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Earl Warren Oral History Program

Helen R. MacGregor

A CAREER IN PUBLIC SERVICE WITH EARL WARREN

With an Introduction by

Earl Warren

Interviews Conducted by
Amelia Fry, June Hogan, and Gabrielle Morris

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Helen R. MacGregor
ca. 1953

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PREFACE

The Earl Warren Oral History Project, a five-year project of the Regional Oral History Office, was inaugurated in 1969 to produce tape-recorded interviews with persons prominent in the arenas of politics, governmental administration, and criminal justice during the Warren Era in California. Focusing on the years 1925-1953, the interviews were designed not only to document the life of Chief Justice Warren but to gain new information on the social and political changes of a state in the throes of a depression, then a war, then a postwar boom.

An effort was made to document the most significant events and trends by interviews with key participants who spoke from diverse vantage points. Most were queried on the one or two topics in which they were primarily involved; a few interviewees with special continuity and breadth of experience were asked to discuss a multiplicity of subjects. While the cut-off date of the period studied was October, 1953--Earl Warren's departure for the United States Supreme Court--there was no attempt to end an interview perfunctorily when the narrator's account had to go beyond that date in order to complete the topic.

The interviews have stimulated the deposit of Warreniana in the form of papers from friends, aides, and the opposition; government documents; old movie newsreels; video tapes; and photographs. This Earl Warren collection is being added to The Bancroft Library's extensive holdings on twentieth century California politics and history.

The project has been financed by four outright grants from the National Endowment for the Humanities and by gifts from local donors which were matched by the Endowment. Contributors include the former law clerks of Chief Justice Earl Warren, the Cortez Society, many long-time supporters of "the Chief," and friends and colleagues of some of the major memoirists in the project. The Roscoe and Margaret Oakes Foundation and the San Francisco Foundation have jointly sponsored the Northern California Negro Political History Series, a unit of the Earl Warren Project.

Particular thanks are due the Friends of The Bancroft Library, who were instrumental in raising local funds for matching, who served as custodian for all such funds, and who then supplemented from their own treasury all local contributions on a one-dollar-for-every-three dollars basis.

The Regional Oral History Office was established to tape record autobiographical intervies with persons prominent in the history of California and the West. The Office is under the administrative supervision of James D. Hart, Director of The Bancroft Library.

Amelia R. Fry, Director
Earl Warren Oral History Project

Willa K. Baum, Department Head
Regional Oral History Office

1 March 1973
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EARL WARREN ORAL HISTORY PROJECT

Principal Investigators

Ira M. Heyman
Lawrence A. Harper
Arthur H. Sherry

Advisory Council

Barbara Nachtrieb Armstrong
Walton E. Bean
Richard M. Buxbaum
William R. Dennes
Joseph P. Harris
James D. Hart
John D. Hicks*
William J. Hill
Robert Kenny
Adrian A. Kragen
Thomas Kuchel
Eugene C. Lee
Mary Ellen Leary
James R. Leiby
Helen McGregor
Dean E. McHenry
Sheldon H. Messinger
Frank C. Newman
Allan Nevins*
Warren Olney, III
Bruce Poyer
Sho Sato
Mortimer Schwartz
Merrell F. Small
John D. Weaver

Project Interviewers

Miriam Feingold
Amelia R. Fry
Joyce A. Henderson
Rosemary Levenson
Gabrielle Morris

Special Interviewers

Orville Armstrong
Willa K. Baum
Malca Chall
June Hogan
Frank Jones
Alice G. King
Elizabeth Kirby
Harriet Nathan
Suzanne Riess
Ruth Teiser

*Deceased during the term of the project.

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Interviews Completed by October 1973

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Joseph Chaudet, A Printer's View.
Paul Heide, A Warehouseman's Reminiscences.
U.S. Siminds, A Carpenter's Comments.
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Beach Vasey, Governor Warren and the Legislature.

INTRODUCTION

(from remarks tape-recorded by Earl Warren for playback at the dinner given by the Governor's Advisory Committee on Children and Youth in honor of Helen MacGregor on the occasion of her retirement.)

. . . a word about Helen MacGregor. I can never repay her for the service she rendered to the state during her many years in my various offices nor for her helpfulness to me and my family. She was with me almost twenty years, and in that length of time performed at least forty years of service. No hours were too long for her. No work too exacting. And, nothing disturbed her gentle disposition.

I am sure all of us imposed on her; I know I did. She served with me in the district attorney's office, in the office of attorney general and for almost eleven years while I was governor. I am certain that no one contributed more to whatever success we achieved in those offices than she did.

It was with the greatest pleasure that I appointed Miss MacGregor to the Youth Authority. I knew she would serve as efficiently there as she did in other capacities. She was always interested in the welfare of youth and, in spite of her other arduous duties, always found time to inspire others to likewise become interested.

It is my recollection that she was the first person to suggest to me the desirability of appointing a youth committee. You who are honoring her tonight know the rest of the story; how she maintained her interest through the years. It was characteristic of her, after all her years of service, to want to perfect herself by a year or so of detached study. She could have retained her position. The governor so advised me. I know, however, that her decision will enable her to render even finer service to youth in the future.

Whatever she undertakes, I hope and trust it will be successful. She has devoted her life to doing good for others. She is entitled to everything that is good for herself.

Earl Warren
Chief Justice
United States Supreme Court

1957
Washington, D.C.

INTERVIEW HISTORY

Helen R. MacGregor was interviewed by the Earl Warren Project of the Regional Oral History Office in order to preserve her recollections of her years as administrative secretary to Earl Warren from 1935 through 1953, spanning his career as Alameda County district attorney, attorney general, and governor of California. As it was when she worked with Warren, her enthusiasm and competence for this project made her an invaluable adviser to the staff, who came to feel great personal affection for her.

Conduct of the Interview:

Miss MacGregor was interviewed on September 17, 1969, by Amelia Fry and June Hogan; October 30, 1969, by June Hogan; June 17, 1971, by Amelia Fry and Gabrielle Morris; and May 18, 1972, by Gabrielle Morris. These sessions were held in north Oakland in the front parlor of the charming white clapboard home built by her father in which she had grown up.

In 1970, she sat in on an interview with Merrell F. "Pop" Small which is included in his memoir. Very few comments by her appear in that manuscript, reflecting her characteristic modesty about her own contributions. In her memoir, she several times remarked, "that story I won't go into any further, because it is [his]." Herself a lawyer by training, she is also careful to distinguish what she tells that is her own experience from what is hearsay.

On the momentous day in 1971 when the Chief Justice visited the project for the first time, Miss MacGregor and Warren Olney, III, came to the office on the top floor of the University library to talk over old times and share a festive lunch with the staff and Chief Justice Warren. On numerous other occasions, she provided interviewers by phone with advice and background data on points that were unavailable from general research.

A dainty, immaculate lady of great gentleness and warmth, still active in public affairs at the time of these interviews, Miss MacGregor gives insights into many things: the education and social life of a young girl in the early years of the century; the principles, administrative talent, and skill in human relationships embodied in Earl Warren's leadership; and the areas of government in which she herself was particularly interested and involved -- prison reform, youth services and the influence of women's organizations.

From this manuscript one gets the feel of energy, accessibility, and high purpose with which Warren seems to have imbued each office he occupied, in each case intent upon upgrading and professionalizing the services provided. These factors are all reflected in the story of the Youth Authority, the agency Miss MacGregor described in greatest detail, from its origins in the National studies of the American Law Institute through its early efforts to define a program and on into the development of citizen involvement through county councils and statewide conferences. Not only did Warren make her his liaison with the Youth Authority, he also appointed her to its policy board in 1953. She was subsequently appointed by Governor Brown to the Advisory Committee on Children and Youth. At the time of the interview she was serving on a similar Alameda County committee.

Reading about her in other interviews in this series, particularly the memoirs of Karl Holton, Merrell F. Small, William Sweigert, and Frank Tallman, it seems evident that she was a significant factor in the effective operation of the office of the governor, keeping the channels of communication open and often acting as a stimulus and sounding board for the ideas of her colleagues. Warren's own tribute to her, which is the introduction to this volume, indicates the affection which she inspired.

The edited transcript of the interviews was reviewed by Miss MacGregor, who deleted a few short passages that she felt were irrelevant and added a number of clarifying details. In between interviews, she sorted through her papers and gave The Bancroft Library many valuable reports, correspondence, and other memorabilia. The appendix contains a selection of her own writings.

Gabrielle Morris,
Interviewer-Editor
Regional Oral History
Office

31 January 1973
The Bancroft Library
University of California, Berkeley

Date of Interview: September 17, 1969. Interviewers were Amelia Fry and June Hogan.

I EARLY LEGAL EXPERIENCE

Oakland Justice Court

Fry: You have a fascinating story. Just from what little I know, I am anxious to know more about it.

I would like to start out by getting a brief run-down on your background. Would you give us about a paragraph on what your schooling was and what you were before you started working for Earl Warren?

MacGregor: I was a six-year student at the University of California, graduating with my bachelor's degree in 1920, and with my juris doctor degree in 1922. After pounding the streets of Oakland and San Francisco, I finally got my first job in March of 1923. That was as deputy clerk of the justice court of Oakland township at 512 Broadway -- an address that no longer exists. A freeway is there. Later I became chief clerk.

I worked for Judge Harry W. Pulcifer for eight years and it was a wonderful experience because it brought me in touch with the reality of the inadequacies of the administration of justice and the impact of those hardships on very poor people. Judge Pulcifer did his best to minimize those hardships. I won't go into that because that is not related to the Earl Warren story except that it gave me an insight into what happened to people.

Hogan: What sort of cases were there?

MacGregor: Justice court cases. Jurisdiction up to three hundred dollars at that time and involved all

MacGregor: sorts of problems. One of the reasons I was so enthusiastic about the governor's health insurance program was that I had seen families ruined by hospital bills and by doctor's bills which were completely out of line with the ability to pay of the people.

Fry: This was primarily a civil court?

MacGregor: It was both civil and criminal. Most of it was civil because the criminal cases were largely handled in the police court up at City Hall. But the court had jurisdiction.

Fry: I am curious about two things. One, it was very, very unusual then for a woman to go into law and I wonder what made you go through like that. Because there weren't very many of you then.

MacGregor: In our class there were six women. I think my father was really responsible for my interest in law, because he was a member of the city council of Oakland when I was a little girl, and he used me as a listening post to clarify his own thinking.

Hogan: You were an only child?

MacGregor: I was the only girl; my brother was four years younger than I.

Dad would talk about the problems he was faced with in the city council and I became very much interested in government.

Fry: He was also a lawyer?

MacGregor: No, but he was interested in law.

Then, in high school, I was on the debating team and realized that I loved the conflict of viewpoints -- the development of argument.

Fry: Did you want to be a trial lawyer for a while?

MacGregor: I never was particularly concerned about the area of law. In college I was more interested in international law.

Fry: Well, you never did do anything in international law after you got out of college?

MacGregor: Hardly any.

Warren as Deputy District Attorney

Fry: When you were working for Judge Pulcifer were you aware of what was going on in the D.A.'s office, because that was when Earl Warren was in the D.A.'s office.

MacGregor: When I first became clerk of the justice's court, he was a deputy district attorney. He used to come into the justice's court to file papers and occasionally to try a case and that was the beginning of our personal acquaintance.

Fry: I see. Because it was you as clerk -- you were the one he came to. Is that right? If I understand the workings of the court?

MacGregor: Yes. And sometimes I acted as courtroom clerk.

Fry: I see. So you got in on some --

MacGregor: And he tried cases beautifully.

Fry: Oh, he did? How was he as a trial lawyer?

MacGregor: Well, my memory is confined to one case in which the county was involved -- a case where the interstate commerce clause was an issue. I remember very clearly my great admiration for him because every question that he asked was related to the proof of an essential point of law. There was no waste motion. The case was like an architectural structure.

At that time I was fresh out of law school and I remembered my constitutional law and knew what he was doing.

He was a very attractive young man and earned the respect of the people of Alameda County.

Fry: You never do hear many comments on how he really built his cases and presented them in court. It's kind of interesting that you are able to comment on this and give us this information.

MacGregor: Let me say this: that he prepared his cases down to the last point before he went to court. He trained his deputies, when he was district attorney, to do the same thing. There was always a trial brief with both the evidence and the points of law. Evidence that is presented really is the key to a legal case, whether it is civil or criminal. The law flows out of the facts -- in other words, it is applied to the facts.

Hogan: Did he actually try many cases himself when he was district attorney?

MacGregor: Not very often. He did take the leading part in the trial in the ship murder case.

Hogan: Actually in court?

MacGregor: Yes, actually in court. But most of the time, the trial was conducted by his deputies.

Fry: Did your job change any during the time you were working in Judge Pulcifer's court?

MacGregor: Yes, first I went in as a deputy clerk and then at some point along the way I became chief clerk. The office developed and I had about four or five deputies working under me. Also, the legislature changed the law in regard to justice's courts, making the procedure the same as municipal courts, so it was my job to go down to Los Angeles and survey the municipal court procedures and bring that information back and work out the details of procedures in the justice's court of Oakland township.

Fry: That was a big change too, wasn't it?

MacGregor: Yes.

Fry: Had Judge Pulcifer been to law school?

MacGregor: I think he studied law in a law office, although I'm not sure.

Fry: Oh. But at least he was acquainted with law as a field. A number of justices were not in those days.

MacGregor: He was an excellent lawyer.

Fry: Frank Coakley was telling me about in the Fremont justice courts where there wasn't much knowledge of law that held anyone back. He felt that their value was that the justices there were men who were well respected in their community and who were in touch with the problems.

MacGregor: Judge Pulcifer was a lawyer and a good lawyer and a very careful lawyer in working out his cases.

Also, he was one of the fathers of the small claims court, because he was so aware of the predicament of people with even small amounts of money due them. They had no way of collecting debts because of court costs and the expense of engaging an attorney.

Fry: That was quite an innovation, wasn't it?

MacGregor: That was already in existence when I went to the court.

Federal Standards of Evidence

MacGregor: Now, going on with my career: my next position was law clerk and secretary to United States District Judge Frank H. Kerrigan, the position which I held during the last four years of his life. He was a remarkably fine judge.

There is this story about Earl Warren that is relevant to Earl Warren's role on the Supreme Court. At that time, the state courts were not bound by the federal rules on the admission of evidence and warrants for arrest, but Mr. Warren as district

MacGregor: attorney strictly observed those rules. In those days, Prohibition cases took a large place on the federal court calendar, particularly on law and motion day when there would be the motions to supress evidence. Cases "made" by the district attorney could be brought in either state or federal courts.

Judge Kerrigan so often would come in and say to me, "You have a wonderful district attorney in Alameda County. His cases are always perfectly prepared to meet the federal standards."

Fry: And this meant cases of his deputies too? The whole office?

MacGregor: The whole office. The standards that Mr. Warren observed for himself he required of all his deputies.

Fry: I was trying to ask Mr. Coakley that and I don't think I ever quite got my question through to him.

He was talking about the evidence under the Volstead Act that was required and he said if they could just bring a bottle in that that was enough evidence, and I wondered if that was state or federal law?

MacGregor: I don't know what Mr. Coakley was talking about--

Fry: I think we are going to have to talk about that when he returns!

MacGregor: I am speaking about it from the standpoint of the federal judge.

Fry: I see. In a federal court.

Hogan: There was also a state Prohibition law, was there not?

MacGregor: I've forgotten.

Hogan: Conceivably there could have been cases brought under the state law and not under the federal law.

Fry: What was your contact with Earl Warren while you were working for Judge Kerrigan?

MacGregor: I'd go over and ask him for a job every now and then. [General laughter]

Fry: You would! This was the days when some of his deputies . . . wasn't this the early thirties?

MacGregor: From 1925 to 1935.

Fry: That was during the Depression. I understand a lot of deputies worked for free until they could get on permanently -- I mean officially on the staff.

MacGregor: That's right.

Fry: Were you willing to do that?

MacGregor: No, but I was working for a very small salary in the federal court.

Fry: [Laughter] So the competition for a higher salary wasn't very bad.

MacGregor: I admired Earl Warren's work and I wanted to work for him. He would always say that he would like to have me but there wasn't any spot open at the time. It became a joke with us.

Hogan: Were there women working in the district attorney's office?

MacGregor: Yes, Agnes Polsdorfer was a deputy. She worked on the civil side. When I was in the district attorney's office she did most of the work concerning the school departments. Later Cecil Mosbacher worked as an unpaid deputy.

Hogan: So when did they get the money to afford you?

MacGregor: In 1935, Judge Kerrigan died and I was without a job, although Judge St. Sure had arranged to keep me on for six months to help him with the work of the presiding judge (as senior judge, Judge Kerrigan had been the presiding judge of the district court). I heard that Earl Warren was looking for a secretary who was a lawyer. I immediately called him on the phone and he made an appointment for me at eight-thirty the next morning and I walked out with the job. I started to work on April 1st, 1935. I think that's enough about me.

Fry: Did you succeed anyone in that job?

MacGregor: Olive Bledsoe.

Hogan: She's still alive, I believe.

MacGregor: I haven't heard from her in a long time.

Fry: Did she also have a law degree?

MacGregor: No, she was not a lawyer.

Fry: She was just a secretary.

MacGregor: She had been executive secretary and she left to take a position with Decoto and St. Sure. Lawrence Fletcher was temporarily serving as Earl Warren's secretary. He "broke me into the job." Lawrence is dead.

Hogan: Had you ever done just plain secretarial work before?

MacGregor: No. He made me a deputy district attorney, as well as his executive secretary.

I knew a little typing and a little shorthand, so I could get by.

II PENAL REFORM IN THE 1940S

Fry: Didn't you write a legal article in which you say that Earl Warren as D.A. had been distressed by reported scandals in the granting of parole, and by inadequate supervision of men on parole?*

MacGregor: That's a good introduction to what I had planned to discuss.

Fry: I thought maybe we could tell from what happened in this period --

Pardon and Parole Problems

MacGregor: I can't pinpoint specific instances, but reports would come to us of influence and even scandals in the granting of pardons and paroles. Certainly he was aware of the grossly insufficient supervision of men on parole and the absence of professional staff to give that supervision.

Just at the end of the period when Earl Warren was district attorney there was a scandal -- and I forget the details -- in regard to the granting of pardons. One of the very first things that he was asked to do by Governor Olson was to investigate charges against Mark Lee Megladdery,

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*Appendix E: "Adult Probation, Parole and Pardon in California" in Texas Law Review, October, 1960.

MacGregor: who had been secretary to Governor Merriam. I can't give you the details of that, but it did result in a prosecution of Megladdery, who had been appointed by Merriam to a superior court judgeship. It was a house of cards that collapsed.

Fry: This was terribly important in Merriam's career, because Merriam was called to testify.

MacGregor: I can't give details on that.

I can give you some very interesting information on Earl Warren's views on parole. When he became attorney general in 1939, he was invited to speak at the First National Parole Conference in Washington, April 17-18, 1939. His speech is published in the Proceedings of the First National Parole Conference and it's in the Library of Congress, HV9278, A.N.3, First, 1939, pages 70 to 77.

I was back in Washington and I looked it up when I was preparing the article for the Texas Law Review.

Now, do you want me to read some of the excerpts that I made, or do you want to get them out of the text?

Fry: Are those the excerpts from his speech which you feel show how he was viewing parole at that time? Why don't you read them and we may break in with some questions.

MacGregor: I'd like to have this in, because it gives his attitude and philosophy toward the offender. He was always, as district attorney, very fair to the offender. Often I would not participate in the questioning but my door into his office would be open when he would be questioning.

He treated persons accused of the most heinous crimes with the same courtesy that he would treat you. He always had faith in human beings, that they could come back from their career as lawbreakers.

Now, coming back to the subject of parole:

MacGregor: "We arrive at different conclusions, not because we reason differently, but we start from different premises. Each person assumes his own premise, which is usually based on his own personal experience."

End of that quote. Beginning another one related to that:

"Unfortunately for parole, it is one of the terminal procedures which must absorb most of the criticisms for the failures of the intermediate agencies leading up to it."

Fry: I was wondering if I understand the structure of parole properly in those days. I have a note here that he was pretty unhappy with the board as it existed at that time. It was called Board of Prison Terms and Paroles. That was a state board. Now, was there a county board too?

MacGregor: Answering the last part of your question first, there was a county parole board which fixed the advance releases for county jail prisoners. It consisted of the district attorney, the sheriff, and the chief of police of Oakland. There wasn't any scandal or trouble about that.

The parole and prison system was in an untenable administrative structure. There was the State Board of Prison Terms and Paroles, which fixed release times. I believe that was an unpaid board, except for reimbursement for expenses. Then there was the State Board of Prison Directors, which ran the prisons, and there was no unifying agency to bring them together.

Warren made up his mind that if he were ever governor he would do something about the situation. There was trouble in the prisons, reports of riots because of bad food, escapes -- all sorts of troubles.

Fry: What was the difference in the jurisdiction of this county board, three man county parole board, and the state board? When he was D.A., what did the state board have to do with him?

MacGregor: Well, let me answer it this way. The county board made decisions regarding misdemeanant prisoners who were in the county jail. The state board ordered the release of felons imprisoned in our state penitentiaries. The relationship between that board and Earl Warren simply was based on the fact that it ordered the release of men and women whom he had prosecuted.

Fry: And he was able to see, then, after building up the case so carefully, how sometimes prisoners were released simply because they had influence.

MacGregor: Influence and perhaps bribery, although I don't recall any specific charges of bribery in the release of prisoners.

Fry: It was mainly because the board was politically appointed then. There was not much salary. That made these men take influence into account. And I suppose they were untrained compared to the later board that Earl Warren --

MacGregor: Yes, I think that was true. I don't remember the names of the men who were the Board of Prison Terms and Paroles. I do know that, before the legislature changed the structure, he did appoint Walter Gordon to the Board of Prison Terms and Paroles in an effort to get things straightened out. That was at some point after January, 1943, and the date in 1944 when the reorganization of the correctional system went into effect.

Fry: When he was attorney general -- and you moved up into that office with him, I understand -- I also read somewhere that his convictions on this score deepened when he was attorney general. I don't know what caused it to deepen. Would you comment on that?

MacGregor: I think one of the things was the release on parole of the men convicted in the ship murder case, the Point Lobos Case.

Fry: Was he upset about that?

MacGregor: He was very much upset about that.

Fry: How do you think they got released?

MacGregor: By the Board of Prison Terms and Paroles.

Fry: I mean, do you know anything about what influence was brought to release them?

MacGregor: No.

Hogan: I believe Olson argued for their release.

MacGregor: That's my recollection, but on the details I don't feel that I am qualified to comment.

Hogan: Had there been any movement towards prison reform or reform of this administrative set-up, before Warren took an interest in it?

MacGregor: I don't know. But I do know that he was working on this when he first became governor. However, in his first message to the legislature, he didn't ask that any legislation be introduced. But he was very much aware of the difficulties and the pitfalls of the system.

In November of 1943 there was a scandalous situation wherein a man whom he had personally prosecuted for armed robbery -- I think he was known as the "Yacht Bandit," I don't recall his name -- was being allowed to go to San Francisco weekends to visit his girl friend. He had been placed on a farm at a time when there was a great need of agricultural labor. He was released from Folsom and placed on this farm and on weekends came to San Francisco. That created quite a stir in the papers and public indignations.

Governor's Committee and Legislative Action: 1944

MacGregor: That was the focus drawing public attention and gave him support whereby he felt sure that he'd be able to put over his program. He was ready with his program, but this gave him the public focus of attention.

MacGregor: Immediately (November 29, 1943) he appointed the Governor's Investigating Committee on Penal Affairs.*

Fry: He appointed that after this incident.

MacGregor: Yes, and to investigate penal affairs generally; his legislative secretary, Mr. Burdette J. Daniels, was a member of that committee.

I can give you the citation on that: the committee report was published in the Journal of the California Senate, January 27, 1944. That citation's in my article.

Fry: I am interested that you brought up this episode because a man who later was writing for Newsweek included this in the story that he wrote which may or may not have been published in Newsweek. I guess it was when Earl Warren finally left California and went to the Supreme Court. He included this as an example of how Earl Warren was able to sense that the time was ripe to garner the public opinion for something that he wanted to do. This man said that Warren was able to push the publicity on this and to see that this particular episode was aired as an example of one of the many things wrong with the prisons. I wondered if, from where you were sitting as his secretary, you were aware of the fact that Warren was able to get a lot of press support from his own efforts on this story.

MacGregor: I would say that Verne Scoggins would be able to answer that question. I was never aware of any pushing for publicity. There was such intense interest, that it seemed to me that the press was coming to the governor for questions to be answered.

Fry: You said that he had some plans all ready to go. What did you mean?

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*Fourteen volumes of reporter's transcripts of the proceedings of this committee are deposited in the Earl Warren Archive, Bancroft Library.

MacGregor: I meant that he had his staff working.

Fry: He did. Did you work on this?

MacGregor: No.

Fry: In view of your work now, I thought maybe you were a natural for it.

Hogan: You think that he started his staff working on it when he was attorney general?

MacGregor: I don't know. Probably. I know how carefully he prepared for things that he wanted to do, but I can't --

He was governor at this time. He was inaugurated in January, 1943 and here we are in November, 1943. That report was completed January 21, 1944.

Fry: Were you in at all on the workings of that committee?

MacGregor: Just on the periphery.

Fry: I had wondered what issues had come up.

MacGregor: You'd have to go to the report of the committee.

Fry: Well, I mean, before they made their report.

MacGregor: No. Burdette Daniels is dead. The other members of that committee were Julian H. Alco, Chairman, Senator Charles H. Deuel, Pierce H. Fazel, Walter Gordon, Joseph H. McClelland, and Karl Holton. Some of them are alive.

Fry: I thought, after I read your article in the Texas Law Review, that it would be interesting to know if they dealt with such questions as what sorts of crimes would be eligible for parole and things like this.

MacGregor: I think that the work was more on the administration of the prisons and the defects in the administration and the abuses in the prisons. That I think was the focus. And also, on defects in parole.

Fry: Did Warren meet with this committee? I got the impression that he did.

MacGregor: I don't remember.

Fry: I suppose that if his papers are ever opened we could get more information on this. Would this be in his office papers?

MacGregor: I don't know. They'd only be working papers.

Fry: That's what I mean. The working memos and so forth.

MacGregor: I don't know.

Fry: This is such a significant thing in his administration that future struggling Ph.D. students are going to want to rebuild this whole thing. I thought that, if there was some indication of where we could get more information on how this whole new structure of the prisons was built up, anybody would like a clue.

MacGregor: Well, the new structure of prisons was being built up by studying the best prison systems in the country and at that time the Federal Bureau of Prisons was one of the forward-looking systems and the state of New Jersey had made some valuable reforms in its prison system. And those were being studied.

Hogan: By this committee?

MacGregor: Well, I don't know if it was by the committee, but by someone on the governor's staff.

Fry: How long did this committee function?

MacGregor: It was from November to January.

Fry: January of 1944 and then the legislature . . .

MacGregor: You see, that indicates that most of this work had already been done and it was a matter of bringing together the existing information.

Hogan: And you really think that this was an interest that started with Warren in his district attorney days?

MacGregor: Oh, yes.

Fry: As a frustration, I guess. Do you have anything else to add to the committee's work?

MacGregor: No. When the committee was ready to report, he called the legislature into special session on January 27, 1944. The material for the legislation had already been drafted. Probably Bill Sweigert, Judge Sweigert, had a lot to do with that.

Hogan: With drafting the legislation?

MacGregor: And working with the legislative counsel. When we had legislation, we'd go up to the legislative counsel with our thinking. Then they would prepare the bills for introduction.

Fry: Can you give us any idea of who in the assembly or the senate were particularly instrumental in getting this introduced?

MacGregor: I think Senator Deuel in the senate and Albert Wollenberg in the assembly. Judge Albert Wollenberg. But I should clarify my position regarding legislative matters. The legislature insisted that the governor have only one person as a liaison to the legislature, namely his legislative secretary, at that time Burdette Daniels. So I kept out of all relationship to the legislature.

Fry: Yes, I guess it was important that one person keep that up!

MacGregor: Well, there were very fast moving things. It wasn't only the speed of movement, but the legislature is very jealous of its prerogatives and doesn't want interference from the executive on legislative matters.

Fry: How did the legislature come to pass this so quickly?

MacGregor: I can't give you an answer to that. It happened in less than a week. Most of the legislators were aware of the problem and were sympathetic to the solutions that were offered. The opposition

MacGregor: collapsed before the end of the session. The Board of Prison Directors, in the beginning, opposed the reorganization. Judge Isaac Pacht of Los Angeles was the leader of the opposition.

Now, I don't know why that opposition collapsed, but it is my recollection that it did and the legislature passed this large structure of the reorganized correctional system of California.

Hogan: That really is record time, Helen, from the start of the committee to the passage of the legislation.

Fry: Do you remember any mail coming in on this?

MacGregor: No, can't say that I do -- not specifically.

Department of Corrections Reorganization

MacGregor: Basically, the reorganization was simple. All of the prison administration was to be under the director of corrections. He would have full responsibility for the operation of all the prisons in California.

Hogan: This was a new post?

MacGregor: A new post. The term fixing and parole granting was placed in the hands of the Adult Authority which was a new agency of government, but in a sense successor to the Board of Prison Terms and Parole. It had the responsibility for deciding what the prisoner's term would be under California's Indeterminate Sentence Act, and then at what point, after the imprisonment had started and after parole was legally possible, the man should be released. The release would be when the Adult Authority thought the man was ready to re-enter society under parole supervision.

At that time the Bureau of Paroles was under the Adult Authority. So, the two agencies that previously existed were disbanded, their authority was revoked, and this new structure came into existence.

MacGregor: Now, you will want to know how they would be brought into harmony. That was to be done through the State Board of Corrections, consisting at that time of the members of the Adult Authority, the members of the Youth Authority, two members of the Womens' board of the California Institution for Women, under the chairmanship of the director of corrections.

There was a feature of the legislation establishing the Board of Corrections which had a great deal to do with the progress of penology in California, namely the authority of the governor to set up commissions on various phases of crime, prevention of crime, treatment of offenders and general scope relating to corrections in California. These commissions worked under the Board of Corrections and were staffed by the Board of Corrections.

Now, the governor appointed five commissions. I cannot give you the dates, but fairly early. One of the commissions was on organized crime, and Warren Olney was its executive officer. There was one on adult release procedures. There was one -- Commission on Adult Release Procedures Burdette Daniels was its executive and, for the first time, we got the amazing information about the extent of alcoholism, drunk arrests and the absorption of police time and county jail facilities in the handling of drunkenness.

Then, there was another one on juvenile court and its procedures. There was another one on -- I can just describe it generally -- on the sociological bases of crime. Unfortunately, I turned over everything I had on those commissions to the Earl Warren Collection at Cal. You know the Earl Warren Legal Center took the responsibility for gathering all sorts of material on Earl Warren. Jim Hill, dean of students at Boalt, can tell you where that material is.

Hogan: In each case, some member of Warren's staff was liaison to one of these commissions, is that right?

MacGregor: Not necessarily. The staffing was set up by the Board of Corrections. Frank Cane, who has died, was staff to one or more of these commissions.

Now, in the reorganization of the prisons, I'm sure it was provided in statute that the emphasis was to be on the rehabilitation of the prisoners, and the looking forward to their restoration to the community.

The Youth Authority

MacGregor: Now, let's go to the selection -- no. I should say something before all that, about the Youth Authority, which was part of the correctional system and still is.

The Youth Authority was established by the legislature in 1941. It was based, in large part, on a study of the American Law Institute. John Ellingston, who is now in San Francisco, I believe, directed and wrote this report. The legislature modified these recommendations to adapt them to the situation in California, but the program stemmed from this American Law Institute.

Governor Olson was governor at the time this legislation went into effect. It provided for a three-man Youth Authority Board. This was late 1941, and the state was very much crippled financially; so there was only the one paid member of the Youth Authority Board. That was Harold Slane of Los Angeles. The other two members were Karl Holton and O. H. Close. Each of these men continued in their respective positions and gave consultative advice in the establishment of the Youth Authority. They had a few cases in that early period -- this was before my relationship with it. Mostly the Youth Authority Board was designing the structure of a department of the Youth Authority. In 1943, Governor Warren appointed Karl Holton as director of the department of the Youth Authority. (In the meantime the legislation had been changed to create a department of the Youth Authority and the necessary appropriations were made.)

MacGregor: At the beginning of Governor Warren's administration, the youth correctional facilities were under the Department of Institutions, which included both the youth correctional institutions and the mental hospitals.

Fry: So there was this division of responsibility of the authority and the penal --

MacGregor: Oh, always. In California there has been division between the adult penal institutions and the youth correctional institutions.

Fry: I'm sorry. I was asking if before, when this new Youth Authority was first formed, it did not have authority to govern the youth reformatories and penal institutions.

MacGregor: It was the legislature in 1943 which transferred the youth correctional institutions to the Youth Authority and set up the Department of the Youth Authority.

Hogan: But at that time the mental hospitals still remained under this Department of Institutions?

MacGregor: Yes, they changed the name to the Department of Mental Hygiene in September, 1945.

The impetus for transferring the youth institutions to the Department of the Youth Authority came from a mismanagement scandal at Fred C. Nelles School for Boys at Whittier. There were charges of abuses of the boys and one boy committed suicide. So, Mr. Warren decided that the thing to do was to transfer those institutions to the Department of the Youth Authority and put them under Karl Holton as director.

So we have in the Youth Authority, an administrative department set up before the administrative structure of the Department of Corrections was established. In 1943, Mr. Holton took charge of Preston School of Industry, Fred C. Nelles School for Boys, and Ventura School for Girls. The determinations of what should be done for the individual boys and girls was placed in the Youth Authority Board of three members including the director of the Youth Authority, who became the

MacGregor: chairman of the Youth Authority Board. The board had quasi-judicial functions, just as the Adult Authority had quasi-judicial functions in the release of adult offenders.

Thus, the Youth Authority was started, and that story can best be told by Karl Holton. It was a very difficult period because the war was on. We couldn't establish additional institutions to take care of the great increase in youthful offenders. There was a lot of improvisation that had to be done. There were camps set up, one in Vallejo, in connection with the military installation there; and other camps were similarly established at Calaveras Grove. It was a strenuous time for Mr. Holton and his staff in meeting the needs of the boys and girls. The Youth Authority was committed to the training and rehabilitation of youthful offenders.

Additional Facilities

Hogan: I just wanted to ask you about these camps. Do you think that they were the precursors then, of the forestry camps such as atCoarsegold and Fricot Ranch School? Did circumstances force them, as you said, during the war to make do; and yet they later built into the system the same things that they used on a simply temporary basis?

MacGregor: Yes.

Now, the Fricot story is substantially this. We had no institution for very young boys. The jurisdiction of the Youth Authority was established to begin at age eight. We were getting little fellows. Nine and ten year olds are pretty tragic people when they are committed to a state institution. So, we knew that we'd have to have a good place for these little boys.

Desiré Fricot had died and his heir and niece Raymonde Rooney approached the state, probably through Karl Holton, to see if his home could not in some way be used for boys. Mr. Fricot

MacGregor: had been very much interested in boys, and had worked with the Boy Scouts at Stockton. He had built a hall for Scout assemblies on his estate. He called his place Fricot City. It was a group of people living under his paternalistic leadership. He owned all the property.

He had made a great deal of money in mining and, rather than build a big mansion on Nob Hill, as some of the mining moguls did, he established this beautiful home in the foothills of the Sierra on San Antoine Ridge, back of San Andreas.

When this inquiry was reported, it was in October, because I remember the coloring but I don't remember whether it was '43 or '44 -- Karl Holton and James Dean, the director of finance, and I went up to look at the place. The foliage was in high color.

Mr. Fricot's things were still in the home. You got a very sharp sense of the fine quality of the man. He used to run a regular reporting service to the weather bureau in Sacramento. His instruments were still there; the graphs that he would make of temperature and humidity and precipitation were there. He was an engineer and his books on engineering were there. He was a scholar, a truly cultured gentleman.

This place is up there in this lovely foothill country. We thought, this is so lovely, can we possibly get it for our little fellows? We did. The agreement was reached and it was purchased for a nominal sum; and that was the beginning of Fricot Ranch School for Boys.

Fry: That brings up a question in my mind. I'm still foggy on what you were doing in the governor's office at this time because every time I've asked you anything, you've said, no, you weren't doing that. [Laughter]

MacGregor: I was the governor's private secretary; and each of the secretaries had his own bailiwick. We met with Bill Sweigert, the executive secretary,

MacGregor: very frequently at 8:30 in the morning and talked over the problems. But when I say, "I had nothing to do with it," I mean that I had not sufficient to do with it to feel that my recollections have any validity.

Hogan: You say that each secretary had his or her own province. What was your particular province?

MacGregor: I was his personal secretary, and I was liaison in the early days of the administration to the Department of the Youth Authority (that's how I worked so closely with Karl Holton), the Department of Public Health, the Department of Mental Hygiene, the University, and the Department of Education. Complaints concerning those departments, the reports from those departments would cross my desk. I would work on them and prepare them for submission to the governor.

Fry: Why were you given those particular assignments?

MacGregor: Because I was so interested.

Fry: Did you ask for it, or was he just aware of your interest?

MacGregor: I was just doing it. [Laughter]

Hogan: Health, education and welfare.

Fry: That's right! You were the secretary of health, education and welfare!

MacGregor: Figuratively -- I did not have welfare.

Hogan: Could you tell us who were the heads of the various departments at that time? It seems to me that education was Walter Dexter. I also have the name of Helen Heffernan.

MacGregor: She was very prominent in that department, but I think she had a civil service position, in elementary education.

Hogan: And Mental Hygiene?

MacGregor: Dora Shaw Heffner.

Fry: Did you help him with these appointments?

MacGregor: No. Public Health, Dr. Wilton L. Halverson.

Hogan: And he's dead. And you gave me the name of Dr. Breslow.

MacGregor: And Dr. Merrill -- I'm not sure that those men were in the department at the very beginning. But, after we get through Corrections, I can give you some information on the selection of Dr. Halverson.

We were on the Youth Authority. I was trying to answer your question as to why I would say I knew nothing about it! [Laughter]

In this interview I am trying not to speculate, but only to record things when I'm pretty sure of my recollections.

Fry: We want to leave that statement in the record, too!

Innovations under Director Karl Holton

MacGregor: Now, we were talking about the Youth Authority and the struggles during the war, and that story I won't go into any further because that is Karl Holton's.

Have you made arrangements for an interview with him?

Fry: We do have plans to.* I was wondering if you might list any other innovations or things that were particularly important that we should know about.

MacGregor: Well, I think I would ask him how they worked up

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*See interview with Karl Holton.

MacGregor: the programs for training and rehabilitation of the boys and girls and how they organized the Youth Authority parole system, because the parole system was an integral part of the Department of the Youth Authority.

Mr. Holton is recognized nationally. He was one of the first group that President Kennedy selected for the Freedom Award and then President Johnson presented the awards in December after President Kennedy's death.

Karl Holton is truly a great man and was very close to Governor Warren. I wouldn't presume to know what his conversations were with the Governor.

I think that gives you some idea of the Department of the Youth Authority as it was in the beginning.

Fry: May I back up and ask you one more question that I have down here? We had a very unusual police chief in Berkeley at that time, August Vollmer, and he had an organization called the Prison Association, which I think was a citizen's organization interested in prison reform. I wondered if you were aware of help from this organization in bringing about this reform or if August Vollmer played any role in this.

MacGregor: Yes, I'm sure he did. But I am foggy on the details.

Fry: Now, did you have something on your outline to go through or did you want me to ask you another question?

Director of Corrections Richard McGee

MacGregor: I think I should tell you about the selection of the director of corrections. I will refer back to the Youth Authority and the selection of Karl Holton. There wasn't any problem about that because Karl Holton was chief probation officer of Los Angeles County and was recognized as a leader and innovator in youth correctional work. But, when

MacGregor: it came to selecting the director of corrections, Governor Warren didn't have anyone in mind.

Fry: You mean Holton was fairly obvious and there wasn't any one else in the field?

MacGregor: Yes, the selection of Karl Holton was completely obvious when he was appointed quite early in the administration (but there may have been other aspirants). Now, we'll go to 1944 when the governor was faced with selecting a director of corrections, a position with great authority and administrative power. He knew what he wanted but he didn't know who would be able to fulfill his requirements. So, he asked the State Personnel Board to conduct a nationwide examination for the director of corrections. They did.

Fry: How did they do this? Did they travel around?

MacGregor: I don't know how they did it. The State Personnel Board has ways of national recruiting.

Fry: This was a regular system they had set up.

MacGregor: Yes. While this was an appointment that was entirely within the governor's power and the State Personnel Board had no authority he used the resources of the State Personnel Board in locating his man.

Fry: Why didn't he want Holton, then?

MacGregor: Because Holton was a youth man, and I don't think that Karl Holton would have ever considered the adult correctional field.

Fry: Well, I thought this man was over the whole thing.

MacGregor: Not over the Youth Authority.

Fry: The Youth Authority was responsible directly to the governor.

MacGregor: It was a separate department of government. You see, now it is all in the big, overall agency, and that probably had confused you.

Fry: Right. Because now this director is chairman of the

Fry: board that has all four major divisions in it -- probably more than that now.

MacGregor: Probably more than that -- I haven't kept track.

Fry: I see. These were kind of parallel positions.

MacGregor: They were parallel positions.

Fry: Yes.

MacGregor: The Youth Authority had jurisdiction to receive commitments from the juvenile courts of California. And the upper limit of juvenile court jurisdiction was arrest before age twenty-one. The Youth Authority was also given jurisdiction to accept criminal court commitments of young men and women arrested prior to their twenty-first birthday. The Youth Authority could maintain jurisdiction up to age twenty-five. So the Youth Authority had and still has this double jurisdiction to accept commitments from the courts.

The adult offenders are those handled by the criminal courts of California and committed to the Department of Corrections. Most of them are over age twenty-one. But, as to young people under twenty-one, if they were tried in the criminal courts -- and there is an elaborate procedure for determining whether youngsters from eighteen to twenty-one should be tried in the juvenile court or the criminal court -- the judge has the option of committing to the Youth Authority or the Department of Corrections. But it is the older group of offenders convicted of felonies that go into the state prisons. The younger group may go to the Youth Authority, even though convicted of a felony.

Now, after the State Personnel Board conducted the examination for director of corrections, there were a large number, substantially large number, of men who passed the written examination. The crucial part was the oral examination. Governor Warren asked that a special panel be appointed.

MacGregor: It is my recollection that there were Lovell Bixby and Sanford Bates of the correctional system in New Jersey, James Bennett, head of the United States Bureau of Prisons. There may have been someone else, but I remember those very clearly. And then, Mrs. Harold Nachtrieb of Berkeley who had become very active in personnel standards for the state League of Women Voters. This group -- as I say, there may have been more people, but I remember those -- interviewed the applicants who traveled to Sacramento. I think they worked for about three days, and finally they came and said "We're ready to see the governor. We think we have some men for him to consider."

They had only two men. Their first choice was Richard A. McGee. He was head of the correctional system in the state of Washington. The other man -- I have been trying to remember his name, and I cannot.

Hogan: [Laughter] The also-rans are hard to remember!

MacGregor: I should remember this, but the governor said, "All right, I'll take your recommendations." He called Governor Langley and asked to have Mr. McGee come down and talk to him.

Fry: How did Langley feel about this! Earl Warren snatching his men!

MacGregor: [Laughter] Well, this wasn't the only one that he snatched from Langley. [Laughter]

I think the story is that he said, "Arthur, I want to commit some piracy!" He said, "I want your director of corrections." So, Dick McGee came down, and received the appointment, and the other man was put in as deputy director of corrections.

Fry: Parenthetically, what other men were pirated from Washington?

MacGregor: Well, the only one that I am sure of was Carma Zimmerman, now Mrs. Leigh, who was a state librarian. It seems to me that there was someone else, but

MacGregor: I've forgotten. It was sort of a joke.

Apropos of Dick McGee, after years of working together, Governor Warren said that he felt that Dick McGee was one of the finest administrators in the public service area.

Have you got an appointment with Mr. McGee?

Fry: We don't have an appointment, but we will have.

MacGregor: He's a tremendous person. He can give you the story of the development of the prison system and the wardens --

Fry: Have you seen him recently?

MacGregor: Within the last two years. He's head of an organization of research in penal problems. The Youth Authority can give you his address.

Fry: Did I interrupt you when you were telling me what to be sure and talk to him about?

MacGregor: Mr. McGee? Just the whole story of the improvement of the prisons, and the establishment of additional facilities because during the depression and during the war it was impossible to build institutions in California. Manpower, materials -- everything was unavailable.

During the years of the war, a fund was built up for construction and plans were made for prisons, mental hospitals and Youth Authority facilities, so that when the manpower and materials became available, a construction plan existed.

Fry: So that when the war ended, the plans were ready and construction could begin.

Hogan: But actually, McGee and Holton came into new programs with no buildings for them. New programs and new problems and not buildings!

MacGregor: [Laughter] New programs and new goals. However, there were the existing prisons and reformatories.

Fry: I hope you give us something like this on mental health, too.

MacGregor: I can't give you very much on mental health, but if Lawrence Kolb is still alive he probably could give you a great deal about the Department of Mental Hygiene in the early days. I can give you a few things.

Now, let me look at the list of things that I wanted to be sure and mention.

Had I said anything about the men on the Adult Authority?

Fry: No.

Adult Authority

MacGregor: The first board consisted of Walter Gordon -- and I think Walter's back in Berkeley, now. His last position was as judge of the district court down in the Virgin Islands. He's retired. Lewis Drucker, later Judge Drucker, both he and Walter would have a tremendous amount of insight and information on the reorganization of the prisons.

Lovell Bixby from New Jersey was borrowed for the first six months of the board to help them get started because there was a comparable board in New Jersey.

Now, I may be wrong. Maybe Lewis Drucker didn't go on in the first instance. Maybe he went on when Bixby left.

Hogan: But Gordon was a holdover from the previous board.

MacGregor: Yes, he was a holdover. He was the connecting link. Of course those things can readily be determined from the secretary of state's office. But I don't have any personal recollection, now, of who else might have been on the board.

MacGregor: Speaking of Drucker, he was a very close friend of Earl Warren's and had been a deputy attorney general in the Los Angeles office.

Fry: When Earl Warren was attorney general?

MacGregor: Yes. So he might have an entirely independent set of recollections if you were to talk with him.

Sometime soon after the establishment of the Department of Corrections, the governor called a conference on prisons in California. I can't give you the dates, but I know that he did and people with special knowledge in regard to corrections -- police, parole, probation, prison administration -- were invited to Sacramento to make recommendations. And I think that those recommendations were very helpful to Mr. McGee in setting up the department.

Fry: Do you remember what the outstanding ones were?

MacGregor: No. I would guess that the emphasis in large part was that the prisons should focus as much as possible on rehabilitation and preparation of the prisoner for his parole.

Diagnostic Services

Fry: Could I ask you one more question on that? All through this, in both the Youth Authority and the Adult Authority, were they able to do anything to increase the diagnostic services?

MacGregor: They were able to do it earlier in the prisons than they were in the Youth Authority. By diagnostic services, I am speaking of psychiatric and psychological. We were terribly crippled in the Youth Authority for that kind of service --

Hogan: For lack of funds?

MacGregor: Yes, and lack of understanding of the need.

Fry: I wonder why.

MacGregor: In the Youth Authority it was felt that the Department of Mental Hygiene would be able to give the mental hygiene services, and that broke down. That's another story.

Fry: Which broke down?

MacGregor: The liaison between the Youth Authority and the Department of Mental Hygiene. The law permitted the temporary commitment of a Youth Authority ward to the Department of Mental Hygiene for diagnosis for ninety days. It was a ninety day commitment. The Department of Mental Hygiene wasn't sufficiently well-equipped to handle youth cases. Now this isn't part of the Earl Warren story, but this was when I was on the Youth Authority Board.

Fry: Later.

MacGregor: After Governor Warren had gone to Washington and I was on the Youth Authority Board I became acutely aware of this problem. Diagnostic services were sometimes available at the Langley Porter Clinic. Karl Holton can tell you about some of the murder cases which came to the Youth Authority; they had Langley Porter Clinic study the wards. So, theoretically those services were available in the Department of Mental Hygiene.

There were some psychologists. There was one psychologist at Preston, and one psychologist at Ventura. They were doing measurements and they were doing the best they could. Preston had about seven hundred boys there. It was pathetic. This was later, entirely, after the Earl Warren story.

Fry: I see. Well, during the Earl Warren story, were there any diagnostic services?

MacGregor: Just at the Department of Mental Hygiene and then such psychologists as the Youth Authority had within the institutions. We didn't have the reception centers for study of the boys and girls, except, to a limited extent, at Preston.

Fry: And even then the Department of Mental Hygiene was too understaffed and over-worked to really do this.

MacGregor: That's not a part of the Earl Warren story.

Fry: Oh, well, it <u>did</u> work then, during the Earl Warren years?

MacGregor: Well, theoretically it may have worked, but I don't know how well it worked. You might ask Karl Holton that.

Fry: Do I get an intimation that there was a conflict of personalities or something like this that kept that liaison from working?

MacGregor: No.

Fry: All right. That's the end of my interruptions this time.

Concern for Rehabilitation and Pardons

MacGregor: Now I think we should go to the matter of pardons. As I have intimated earlier, there were the inequities in the granting of pardons. Provisions for pardon, as you know, are in the Constitution of California, and the governor has broad powers of clemency.

But, as it operated, people with money to hire attorneys, or with influence, were granted pardons, but the poor people who had neither money nor influence, just never had any relief, no matter how good the lives they led after their release.

Going back to 1939, Governor Warren, then attorney general, first enunciated his dissatisfaction with the way the pardon system operated. In this same speech to a 1939 national parole conference to which I earlier alluded, he outlined what he thought should be done to provide for pardons based on upright living, rather than influence. He said, and I quote, "But what about the post-parole period? Are they to go through life as ex-convicts, or shall we offer them some incentive for the future, something that will be a continued inducement to lead a normal life -- a normal, lawabiding life. I believe that every man who passes out the gates of our penitentiaries should have the right to obtain a full and complete pardon by working for it and earning it."

MacGregor: Then he described how he would provide for this. When the prisoner was released, he would register with the local police officers saying that he intended to be a good citizen. Certain technical procedures were recommended, and then after the lapse of a certain time, depending on the offense, the ex-convict would have the right to go to court and ask for a certificate of rehabilitation which would be the basis for a pardon from the governor.

Fry: Yes, this is what your article mentioned. This is like a foreigner coming in and gaining citizenship.

MacGregor: Yes, Mr. Warren made that analogy. A foreigner has a right to earn his citizenship. So an ex-felon who had had his citizenship taken away from him would have the right to earn his rights of citizenship. He used to talk about this a good deal. He felt that it was very important that people would have this sense of hope and incentive.

Fry: Well, this would concern not only the people who have been pardoned early, before the term was actually filled, but also any prisoner who was released, was that right?

MacGregor: Well, I don't quite understand your question. Don't confuse this with parole. When a person is on parole, he is serving out the rest of his sentence.

Fry: Were all the terms in California indeterminate?

MacGregor: No. First degree murder was not. I can't answer that off hand, but most of the terms were imprisonment from "not less than," to "not more than." And some were up to life -- first degree robbery, for instance.

Fry: I see, so it was when these men were released, then --

MacGregor: When they were released and had finished their parole periods, they did not have the right to vote, and they did not have the full rights of citizenship. It was for this group that the

MacGregor: certificate of rehabilitation, leading to pardon, was suggested. In the governor's first message to the legislature, he recommended the establishment of this procedure. Senator Deuel introduced the bill. As I recall, it was passed with little if any opposition in the first session of the legislature.

Hogan: But not the special session.

MacGregor: No. This rehabilitation procedure had already been established.

Fry: Did Warren's differences with Governor Olson over the Tom Mooney case have any influence on Warren's view on the whole question of pardons when he became governor?

MacGregor: I'm sorry, but I'm just not clear on that.

One more point on the rehabilitation procedure. In order that this would not be confined to people who could afford expensive attorneys, it was provided that no fee could be charged by an attorney for representing a person in the rehabilitation proceedings, and also it was made a duty of probation and parole officers to assist men and women who wanted a pardon.

I realize that I haven't said anything about the women's institution. That had been set up under a separate board before the prison reorganization. Its administration was transferred to the Department of Corrections, but its parole board remains separate and I think I already said that two members of that became members of the Board of Corrections.

So, the Board of Corrections was the unifying agency and I used to sit on that when I was a member of the Youth Authority Board, and we would work out problems of administration, rehabilitation, various questions as they arose. And, sometimes as they arose we would recommend to the governor that he set up a commission.

Fry: On the question of pardons. Was anything done to enable the poor and powerless to gain pardons as easily as those with --

MacGregor: By setting up this procedure, it was relatively simple, and directing that the probation and parole

MacGregor: officers in California assist people, the mechanism was established for the poor and the friendless to take advantage of it.

And the rich, even by getting a high powered attorney to help them -- the attorney couldn't get any fee.

Hogan: Maybe your question is parole -- it's a matter of terms here.

Fry: Maybe so. I was thinking about what was happening to them while they were still in prison when the decision still had to be made when they would get out of prison.

MacGregor: That's parole. That's all under the Adult Authority.

Fry: So that was included in the prison reorganization, then.

MacGregor: Now, of course, the former provisions in regard to pardon and clemency remain in the constitution and can be followed, so a pardon can be given without the certificate of rehabilitation.

Fry: In other words, the usual procedure is first parole, and then pardon when they have completed the rehabilitation.

MacGregor: Yes, but now, supposing, in regard to the governor's power, that you have a man in prison, still in his term, but facts have developed which show that he has been improperly convicted. Then the governor can exercise his power of clemency. But that would not come at all within the rehabilitation certificate.

Hogan: One of the things that prompted all this was the granting of parole on the basis of either money or an effective lawyer. How did this prevent some of the chicanery that had been going on?

MacGregor: It's up to the quality of the men on the Adult Authority.

Hogan: The previous ones had not been paid?

MacGregor: I don't believe so. I think that it was a citizen board.

Hogan: And this new board, with three or four people on it, were they paid?

MacGregor: Yes, this was a full time job.

Fry: What's in that law to keep some governor from making these political appointments to untrained people.

MacGregor: I think that the law says that qualified people shall be appointed, but I don't think that the qualifications are spelled out. These appointments are subject to confirmation by the senate.

Fry: Has that been a difficulty since then?

MacGregor: Not while Governor Warren was governor.

Fry: I mean since he was governor?

MacGregor: Well, this doesn't really belong in . . .

Hogan: For a lady who doesn't like to talk politics, she's very politic. [Laughter]

MacGregor: I don't think it's right to bring in other administrations.

Fry: I was trying to get a comparison between the administrations.

MacGregor: Well, I can say that Governor Warren always sought people who he believed to be exceedingly well qualified for the positions to which he appointed them.

Hogan: You lead me to a question I'd like to bring up about Walter Gordon. Wasn't his previous experience simply as a policeman?

MacGregor: He was also a lawyer. He was in my class in law school, and a very good lawyer, and an outstanding policeman.

Hogan: Where was he a policeman?

MacGregor: In Berkeley, under Vollmer. Apropos of Walter's appointment, the governor said that he appointed him not because he was a black man, but because he had the qualifications that he wanted. He said that he was glad that he was black, but he was not appointed on that basis.

Hogan: Would he have known Gordon? Would Warren have known him?

MacGregor: Oh, yes. They were old friends. Maybe this is legend, but I think that-- Let's see, Walter was a coach in the athletic department at Cal, and he was an assistant coach of Andy Smith's wonder team and I remember that when they had the This is Your Life program for Walter there was something about Earl Warren's boxing and Edwards said, "What kind of a boxer was he?" and Walter said, "He hit hard."

Fry: He was a boxing coach?

MacGregor: Evidently. The story wouldn't have come out if he hadn't been. Walter was in the class of 1918. I think he had to stay out at various times and work. Now my memory is foggy on that, but somehow he and Earl Warren were on the campus at the same time.

You see, the First World War came in and both of them were in the armed forces, so I don't know. But I remember the "crack" in the Edwards show.

Hogan: Was he the first Negro appointed by Warren?

MacGregor: I don't think so. There was a girl in the attorney general's office, a Negro, in the clerical department. I don't remember.

III OTHER RESPONSIBILITIES OF A GOVERNOR'S SECRETARY

Public Health

Fry: Helen, I made a little note a while ago. You said that the selection of Halverson was another story.

MacGregor: Yes. When Governor Warren was still attorney general but governor-elect, he appointed a committee of leading people in the field of public health to recommend a director. Dr. Shepard of Metropolitan Life, was on that committee, a man very high in the Public Health Service, a Captain Gilman in the Navy, and several others. They did come in with the recommendation that Dr. Halverson, who was then director of public health for the County of Los Angeles after having been with the city of Los Angeles was the best qualified man. So he was appointed. And he laid out the structure, established the structure, of the Department of Public Health in California, which led to national recognition for both Governor Warren and Dr. Halverson.

Fry: Well, let's see. Warren was instrumental in establishing a school of public health on the UC campus, is that right?

MacGregor: That's right. Dr. Halverson and Dr. Charles Smith who was chairman of the Board of Health and later Dean of the School of Public Health. Dr. Charles Edward Smith. Some of these stories are lost, you know, because these wonderful men are gone.

Fry: Yes, I know. We wanted to talk to Dr. Smith.

MacGregor: He died very suddenly.

Fry: Was the establishment of that school unusual in that it was urged through the legislature at the leadership of the governor himself?

MacGregor: I'm not clear. But there was no school of public health in California and there was a dearth of well-trained public health people. In part the need was met by stipends for people to get further training at other schools of public health. I have forgotten when the School of Public Health was dedicated, but it was dedicated when I was on the Youth Authority Board so it was somewhere in '54 or '55.

Fry: It was authorized when Earl Warren was governor.

MacGregor: Yes.

University of California and the Loyalty Oath

Fry: You said that you also were liaison concerning the University. This would be Earl Warren's work on the Board of Regents?

MacGregor: Yes. It wasn't really much. We would prepare information from the agendas and summarize reports and that sort of thing.

Fry: Sounds clerical.

MacGregor: It was pretty clerical, except for the terrible period of the oath controvery, when Earl Warren stood with the faculty who refused to take an oath, and the abuse that he took from that! [Laughter] The correspondance on that was terrible.

Fry: Did he get a lot of letters?

MacGregor: An awful lot of letters. He dictated a long, careful explanation of his views and that satisfied

MacGregor: most of the people.* Some would write back, "I've read your letter, but I am not satisfied. Anybody should be willing to take an oath who is not a Communist."

Fry: Well, this is an important period at the University, too. Everything is looked upon as sort of "before the oath" or "after the oath." I wondered if you remembered anything about how the whole thing got started. Who besides the Tenney Committee was involved in that? Do you remember anything about that?

MacGregor: There was all this talk about professors who were Communists and (I guess that stemmed from the Tenney Committee report) that communistic doctrine was being taught at the University.

Fry: Was this a change in Earl Warren's attitude toward the threat of communism? I'm contrasting it to what I've read in the books about his attitude toward the 1930's communist movement and its involvement with labor, and some of the speeches he made then.

MacGregor: He never was sympathetic to communists.

Fry: No.

MacGregor: I'm sure he isn't to this day. But, he didn't feel that an oath would weed out the Communists. And that there was great danger in charging people with being Communists when in fact there was no proof that they were.

Hogan: Didn't he also later oppose the Levering Act oath?

MacGregor: I don't know.

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*A copy of this letter, to the Federation of Women's Clubs in Los Angeles dated March 28, 1950, is in Miss MacGregor's papers in the Earl Warren Archive.

Hogan: Seems to me that I remember reading that he did. But anyway this would be in keeping with just opposing oaths as not achieving anything.

MacGregor: One of the things that he was very strong about with regard to the University was that the oath was not required of any other public officials. He felt that this was an unjust discrimination against members of the faculty.

Fry: Were you aware that this meant that he would have been for an oath if it included state officials?

MacGregor: Was that the Levering Act? I don't think he opposed the Levering Act.

Fry: Sounds like it might have been the unfairness of this and --

MacGregor: That's my recollection.

Fry: Did you work with the Regents' representative, primarily then, at the University?

MacGregor: Jim Corley. He was in and out of the office.

Fry: He was the one, I guess, that you would have had contact with in working up the agendas, and so forth.

MacGregor: The governor's office did not work up the agendas. They were prepared at the University.

Fry: Do you know what Corley's attitude was on the oath?

MacGregor: No, I don't remember. The big villain, the big advocate of the oath who was so implacable was John Francis Neylan.

Hogan: Neylan denies it in the interview the office had with him before he died.

MacGregor: Well, he was the one who made all the big fusses, whether he denied it or not.

Fry: Did he ever come in and actually talk about this with Earl Warren?

MacGregor: I can't say. I don't remember the details.

Fry: The other question that I was wondering about was President Sproul's stand on that. Sproul decided that it was better to go along with the oath. It was more politic, and Sproul and Earl Warren were such -- I thought they were pretty good friends.

MacGregor: They've always been very good friends.

Fry: Usually they had the same points of view about the University.

MacGregor: Well, I would have to review the minutes of the Board of Regents to answer that question.

Fry: There's a little booklet out on the history of the oath that might refresh your memory. The minutes of the Board of Regents might not tell very much because I guess it was discussed in the executive meetings.

MacGregor: I would prefer that you rely on the booklet rather than my refreshed memory because I wasn't present. I never was present at a meeting of the Board of Regents. It was all hearsay as far as I was concerned.

Fry: Is there anything else that you want to add?

MacGregor: No, I think that I talked a great deal -- much more than I had wanted to talk.

Fry: Well, this has been an intensive session for you. You answered all the questions that I had thought of. What about you, June, can you think of anything else?

Hogan: No. I was wondering though if Helen thought that at another time maybe she'd feel about talking her liaison with education -- whether there were changes going on in that department at the time.

Of course they would have had the school building problems, and all the war problems.

MacGregor: Yes, they had a lot of that. Oh, that reminds me, speaking of the war. In this certificate of rehabilitation, I think that one reason that it passed so easily was because there were a great many men who would have been valuable either in the armed forces or in defense industries who were precluded because of their records as felons.

Their rights were spelled out somewhere in the statute as it was passed originally.

They were given a lesser period. They counted their past rehabilitation rather than their rehabilitation after passage of the law. I'm glad that that came up because that was important.

Of course this whole period has to be thought of as a war period, until 1945, when the reconstruction and re-employment had to begin.

Here's something I would like to suggest that work be done on. Fairly early in the administration, Governor Warren realized that the economy of California would have to be changed from war time to peace time and that this would involve a great deal of dislocation of people and also that we had to be prepared to offer jobs to the men coming out of the armed forces.

And so, he established the Reconstruction and Re-employment Commission to make the studies and prepare industry in California for the changed, drastically changed, situation.

This I remember very clearly. He wanted to get a man from business who was a humanitarian and a very able person. Finally he thought of Alexander Heron. He had been a high administrative official in Crown Zellerbach; he also had been state director of finance under Governor Young. But at the time he was in the armed forces and was a colonel. He had been assigned to General Eisenhower's staff in England, but he hadn't left. So, Earl Warren put through a call to the Secretary of Defense and said that he needed Heron

MacGregor: in California and he felt that it was as important to the war effort to have him working in California laying the foundations for peace as it was for him to be serving on General Eisenhower's staff. The Secretary of Defense agreed and Alec Heron came back to California.

Now, that's not as dry as dust!

Fry: No! [Laughter] That should pep up a history book.

MacGregor: The colonel established a staff and then he and his commission did a great deal of work and they came out with some remarkable recommendations. The whole clothing industry in California was worked on by them and outlined for implementation. And, of course, those reports are in the library. You can find there some of the men who were on the commission, although Heron is dead.

Hogan: But we do have some names of successors, because that was an agency that followed up a planning agency that Olson had had.

MacGregor: Well, the Olson one, I think, had been dissolved. And the legislature was always, during Governor Warren's administration, very skeptical of planning. After the report was made and the work was done, I think they just abandoned all the planning facilities because I know that we wanted to get something in regard to a program for small business which involved planning. We just couldn't get anywhere on an official basis.

Hogan: Well, then there was a planning agency in the governor's office after the reconstruction commission. It only lasted a year.

MacGregor: I am not clear on that.

Aids to Small Business

(The following section on aids to small business was recorded on May 18, 1972. It replaces a

sketchier original discussion of this subject, at Miss MacGregor's request. Ed.)

Fry: You said you couldn't get anywhere officially with the small business plan. Were you able to do this through other channels?

MacGregor: In 1948, sometime between campaigns and other problems, the state president of the California Federation of Business and Professional Women's Clubs, Mrs. Leila Swazey, and a group came to Sacramento to see what could be done to establish what they thought of as a woman's program in California. They had returned from a national convention where they had seen an impressive program put on by the woman's program in New York, of which Jane Todd, of Governor Dewey's staff, was the proponent. It was designed to help women who wanted to develop skills or to start small businesses get the necessary information and skills to become successful in earning supplementary or full income. I believe they put on what was called a clinic at the meeting that these ladies had attended. (This was before the campaign train, which left in September, because I remember talking to Jane Todd about her program when I was in New York.)

The thought of the California women was that there were many women in California with skills who could support themselves or their families, or supplement the family income, by developing the abilities that they had, if appropriate help was available.

Morris: This was in terms of shops and --

MacGregor: And marketing and other activities. I told the governor about it -- he wasn't able to see the women. He was very much impressed with the idea, being aware that the cost of living was rising even then and women in their homes were interested in supplementing their income, if they could, by dress-designing, by marketing food according to some recipe that was in their possession, or utilizing a skill in one way or

MacGregor: another. Mortality of small business, then as now, was high; many good endeavors went on the rocks simply because a person hadn't had the proper advice, either as to marketing conditions or as to how to go about the production of what they were capable of making.

However, Governor Warren did not want a program confined to women. He said that men were just as much in need of this kind of help as women.

Morris: Was this before or after the federal small business aid program?

MacGregor: There was a small business aids program in the federal government, but their concept of small business was really big business from our standpoint. Twenty-five thousand dollar industries would be small business from the standpoint of the federal government.

Morris: That was a funding program, wasn't it? It was low interest loans --

MacGregor: With help, I'm sure. But the United States Department of Commerce was very much interested --

Morris: In the program you're telling me about?

MacGregor: Yes. Now, I neglected to state that in New York this program was financed by the Department of Commerce in New York, and we didn't have any Department of Commerce in California, and there was no hope of getting it set up.

Morris: So what happened?

MacGregor: Governor Warren said that he thought we could do something about this by coordinating the existing agencies of government who might be able to help these people, and he asked me to get our agencies together. And he said, "Now, surely these people need training, and I want you to get in touch with the vocational training people in the State Department of Education." So that was the beginning. And Dr. William Blackler was the mainstay in the original planning, and he was helped by a man in his department by the name of Rulon Van Wagenin --

MacGregor: I think that was the spelling. And we gathered people from vocational rehabilitation, the Department of Employment, the Department of Public Health -- because in the preparation of foods you're under Public Health, particularly if you thought of preparing the foods in your own home -- you would have to meet the standards of the Department of Public Health, and oftentimes it involved quite a bit of rearrangement and reconstruction of the kitchen area. There were many aspects of state government, as we went along, that we found could be pulled into this -- also aspects of community resources.

Doctor Blackler really was the moving spirit of the Aids to Small Business Show in 1949. We were up against the question of how we could put on such clinics -- how we could bring it to the attention of the public. I had a brainwave one morning. Why can't we have this Aids to Small Business Show as part of the State Fair?

Morris: Inspiration -- absolutely.

MacGregor: So, one of my great assets was a friend on the State Fair Board, Dr. James Edward McConnell, a dentist in Sonora. He and his lovely wife Geraldine and I had become very close friends. They lived in Columbia. So I called Dr. Jimmy, and he liked the idea, and he was able to sell it to the State Fair Board.

Morris: How handy!

MacGregor: So, we got help from the State Fair people. Fred Heitfeld worked with us in planning the how-we-do-it part of the show. I remember, and I was able to verify this from my appointment book, that in January, (I think it was on the 21st of January, 1949), Helen Thompson, who was Jane Todd's assistant in New York, was in Sacramento, and so we assembled our group of planners, and she met with us and described the clinic setup, and so Dr. Blackler was able to gather the Sacramento people and other people from around the state for the planning. I remember Moore Business Forms, Mr. Woodruff from the United States Department of Commerce; I think in the early stages, Miss

MacGregor: Elston of the State Department of Employment; a banker, Robert Ketchum of the Bank of America, which had a program of financing small businesses, were included. Of course a man from the State Department of Public Health on sanitation was to be on the panel. And so it went; I can't remember all of the people, but a substantial number of people; and then publicity was given out in connection with the State Fair. The people who had problems could bring them to this clinic. I think they had the clinic every day at the first show.

On the 15th of July, I walked out of Sacramento on my first trip abroad, so I didn't have anything to do with the final stages of the planning, and Dr. Blackler and the rest of the staff deserve credit for this. And it was quite successful. Different people came with different ideas. When we began planning for the 1950 Aids to Small Business Show, we could gather exhibits of success stories.

Morris: What a good idea.

MacGregor: Some of them were people who had come for advice in the 1949 Show. I'll give you one of the dramatic stories of the Aids to Small Business Show, namely the story of Minnie Amos. Now, Minnie had come to the '49 show with some recipes that she wanted to market. One was a chutney recipe, and another was a very fine strawberry preserve recipe. She got help from the State Department of Public Health in arranging her kitchen, and from somebody else she got help on labeling and marketing. And so she came back with her little jars of chutney and strawberry preserve. In the morning of one of those days, we had success stories. And Minnie told her success story, and then Minnie's background began to emerge. She had been in India and had collected Indian recipes, and this chutney recipe was one of them. However, at the outbreak of war she was in the Philippines, and she was interned in a Japanese prison camp, which was run on near-starvation lines. The people there would talk about the food they'd have if they'd ever got out. And Minnie dreamed of what she could do with her recipes, if she could

MacGregor: ever get to California and use the California fruits. That was the story as it emerged that far.

I became very much interested in Minnie. I remember driving her back and forth. And it developed that she was a Scottish woman from Edinburgh. And, of course, I had fallen in love with Edinburgh, and we got to be really good friends. She would tell me about her experiences. The prison camp in the Phillipines was terrible.

So, one day -- I don't remember the circumstances -- but I was with a group which was interested in the Aids to Small Businesses Show, and I told the story of Minnie Amos. A man in the group was astonished. And he told us that he was working at Letterman Hospital in rehabilitation at the end of the war. Minnie was brought back from the Philippines, so damaged that she had lost the power of speech, and he had helped her regain her speech.

Morris: And then she'd gone on to do all this!

MacGregor: Then, there were other success stories. There were two veterans in Sacramento who were somewhat incapacitated, and they had the idea of building to order special prosthetic devices for people with special needs. They were working with doctors, and they had developed quite a successful business. And then there was a woman jeweler from Sausalito who had established a jewelry store to market her creations on a houseboat -- no, it was on an abandoned ferryboat, where a lot of artists had established themselves.

By this time, we had greatly enlarged our committee. Dr. Blackler could no longer be our leader, and Arthur St. Clair, of the Department of Employment, assumed the leading responsibility -- and we brought more community people in. Not only the Business and Professional Women's Clubs, but the other women's service clubs -- Soroptimists and others assumed supportive roles. They would supply people to be receptionists at our little show and help in many ways. Ysobel Forker was added to the committee. She was

MacGregor: appointed by the governor to an advisory committee on employment. She was a childhood friend of Earl Warren's in Bakersfield -- her brother was one of his chums.

We began having regular mettings during the year to plan publicity, to plan details of the coming State Fair. I think Ysobel was chairman of the committee when we met. The Grange was very much interested, because they had so many farm women who wanted to market their produce. I am sure there were other organizations and people who helped, but details have slipped my mind.

We enlisted some lawyers too, because the legal requirements of establishing a business were getting more and more complicated. It's hard to remember everything that we did, really, to bring into this show.

Morris: This is now the 1951 planning?

McGregor: Fifty, fifty-one and fifty-two. It went on in very much the same pattern. The additional feature was continued: searching out of success stories. And the expansion of the idea to some of the county fairs. There was an association of county fairs, and we got a representative of that organization to attend some of our planning meetings. I recall that there was such a show put on at the Los Angeles County Fair. Unfortunately, I do not have the file, which I took with me when I left the governor's office. But in Governor Brown's administration, there was some activity which I thought was along the same lines. So I turned my file over to Governor Brown, and I don't know whatever happened to it. But after 1952, there were no more Aids to Small Business Shows. It really took the interest of the governor to keep the show alive. For a very practical reason: all of the work that was done by state people was on their own time. It was a labor of love.

Morris: Squeezed out of other things -- ?

MacGregor: Yes. And they just simply couldn't do it, or didn't have the heart to do it, unless the governor was interested in it.

1951 California State Fair Aids to Small Business Show: display of handwork suitable for marketing and advice from community resources. Panel, from left: Walter Christensen, Sacramento businessman; Eunice Elton, Department of Employment; Mrs. C. Ulrich Chapman, Department of Industrial Relations; Harry Hecker, Department of Vocational Rehabilitation, Robert West, San Francisco attorney; Mrs. Janette Kaidaioch, advertising executive; Merrill Woodruff, U.S. Department of Commerce.

After ten years as Governor Warren's staff liaison to the Youth Authority, Miss MacGregor continued her dedicated efforts to improve youth services for many years as a member of state and county advisory committees on youth.

MacGregor: Now, I wonder if I have anything else. Oh, I have two pictures. We had wonderful support from some of the business people in Sacramento, particularly Walter Christensen.

Morris: Now who's Walter Christensen?

MacGregor: He was a businessman in Sacramento who was very much concerned about the problems of the person trying to start a small business, because, as we learned afterwards, he had started a shop and it had failed, for lack of the right kind of advice.

Morris: Isn't that too bad.

MacGregor: One of the outgrowths of this was the establishment of a group of businessmen in Sacramento, who volunteered to give advice to people who wanted to start a small business. What has come of that, I do not know. My propaganda about the lawyers did bear considerable fruit, because one of the programs that was put on in the Continuing Education of the Bar was on advising small businesses. I had used as an argument that surely, out of a group of small businesses advised by an attorney, one would develop successfully, and offer a good retainer. Archie Mull of Sacramento, whom you have interviewed, agreed with me, and we got quite a bit of free legal help for people trying to start a small business. So, it blossomed in different ways.

Here is a picture of the panel of the 1951 State Fair.

Morris: Oh good, you've got all the names on the back and everything. [Pause] And these are examples of some of the work that people have been marketing?

MacGregor: I think so, yes.

And then this is a picture of Gerard Diefenbacher Spieler. Well, I've forgotten about him, and I have no recollection. But you know, we'd plan different things for different hours of the day, and we'd have people there as receptionists, and to talk to people who would wander in.

Morris: Those are fascinating. May we have these?

MacGregor: Yes, I'm happy to give them to you, because it's the only place that this would ever have any permanance.

Women's Organizations

MacGregor: I should say that very early in the administration, the governor said that he wanted me to keep in touch with the organized women of the state. I can't be sure that I remember all of the women's organizations, but there's the California Congress of Parents and Teachers (which includes men), the League of Women Voters, the California Federation of Women's Clubs, the California Federation of Business and Professional Women's Clubs, Soroptimist Clubs, Zonta, Quota, National Council of Jewish Women. Most of these organizations were members of the non-partisan Round Table. It was designed to prevent, if possible, contradictory positions on legislation. I would write to the presidents of the organizations and ask them for a conference. Then, at some point after we had been doing this -- I guess this would have been after the war -- I had meetings in the south and in the north of representatives of these groups plus the governor's women appointees in the state service.

This was very much appreciated and my goal was to get the leading problems and programs of the women in so far as they related to legislation and administration and advise the governor, and then in turn inform the women's organizations of the governor's purposes related to their main interests.

Fry: Could you give us some idea of what their main interests were?

MacGregor: Well, the support of the Youth Authority, for one thing. The maintenance of the California

MacGregor: Institution for Women. They were consulted at the time of the prison reorganization. Practically everything that had to do with the welfare of people, particularly the children. Schools, public health -- equal employment --

Fry: Is that when the legislation took place that did so much for equal employment for women and protective --

MacGregor: Well, protective legislation for women and minors in industry already was in existence. The governor appointed Rena Brewster as head of the Department of Industrial Welfare. I am not sure of the exact title, but it related to minimum wage, minimum age of minors, and standards of protection of women and children in industry and other employment.

Fry: It seems like in a position that you had, then, there was just a natural liaison between such clubs as the PTA groups, which were interested in schools, and you were also the governor's liaison for the education department and at the same time the women's interest in the prison area and Youth Authority -- that they could funnel these interests through you and you were in a position also then to communicate this to the right people.

MacGregor: Yes. And I remember once, I don't remember what year it was, I reviewed the governor's whole legislative program for the board of the Federation of Women's Clubs.

Fry: Then what did you do with the feedback?

MacGregor: I would report it to the governor with memos and conferences.

Fry: What was the League of Women Voters power then?

MacGregor: It was a very aggressive and powerful influence in developing public opinion. One of its major influences -- and that is why Mrs. Harold Nachtrieb was on the committee to interview the director of corrections -- was their great concern about high standards of personnel in government. They

MacGregor: used to submit a list -- they were interested in the appointment of women, too -- of those they believed to be qualified men and women for appointments that were coming up.

Mental Hygiene

Hogan: I believe they were also very active in mental health which was another one of your fields. Mrs. George Hoxie of Berkeley. Does that name ring a bell?

MacGregor: Oh, yes! Indeed! She was a leader in agitating for mental health reform. I think she was appointed by the governor to an advisory committee on mental health. The whole thing is so complicated, I can't begin to remember all the groups!

One of the movements in California which was stimulated by Earl Warren has been citizen involvement. And he called conference after conference -- I don't know how many youth conferences he had. There was one in 1944 which was composed largely of youth. Then there was a mental health conference of 1949 which laid the foundations for future developments in the field of mental hygiene. Dr. Frank Tallman came in as director of mental hygiene soon after the conference.

I think I should go back in regard to mental hygiene to one or two episodes:

Very soon after Earl Warren became governor, he went to the mental hospitals at Stockton and Napa. He came back sick at heart at what he had seen. These were custodial institutions where people were vegetating. He vowed that he would do everything within his power to transform them into institutions for treatment -- into true hospitals for the mentally ill rather than custodial institutions. That was a long, long struggle and Dora Shaw Heffner, first director,

MacGregor: laid the foundations and worked very well, but she became very ill and then in 1949 the governor conducted another one of his nationwide searches. This time the people on the committee were deans of the schools of psychiatry and psychological and psychiatric studies at the University of California, Berkeley, USC, UCLA and perhaps others. They came up with the recommendation of Dr. Frank Tallman, who was in Ohio at the time. He was a wonderful person, and he led the fights.

One of the main troubles with mental hygiene institutions was that there was this core of civil service employees who had been in the custodial field and were resistant to treatment programs. There were some episodes of brutality that were investigated.

Fry: I was wondering if he was able to bring out an episode and publicize it here like he did with the prisons?

MacGregor: I don't think that there was. There was a man who was killed at Napa because of brutality of some of the attendants there. I am very hazy as to when this happened, but I know that Governor Warren called for an investigation.

Of course, all through the administration, as trouble came up, he never whitewashed anything. He always said, "Well, this must be investigated and steps taken to correct abuses." Another thing that has to be borne in mind in the mental hygiene field is that knowledge was very much less complete than it is now. And one of the people who helped him very much in this field was Dr. Karl Bowman who then was head of the Langley Porter Institute.*

Langley Porter had been set up under Governor Olson and was jointly administered by the

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*See interviews in Bancroft Library with Dr. Bowman and Dr. Porter, and also Dr. Tallman.

MacGregor: University of California and the Department of Mental Hygiene. I don't know whether it's still bifurcated but it is now a neuropsychiatric institute. There is now a neuro psychiatric institute at UCLA, which was fostered by Governor Warren.

Fry: You say Bowman helped in sort of educating Earl Warren?

MacGregor: Feeding him ideas, yes.

Once they were traveling and there was some trouble with the planes and they couldn't take off. By chance they met at this airport. They spent the time talking about mental health and mental illness and Earl Warren learned a great deal from Dr. Bowman. I don't know where he is now. He went up to Alaska after he retired.* He's quite an old man, now, but he, I'm sure, would have some very interesting observations about the course of the development of mental hygiene in California.

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*In 1971, Dr. Bowman had returned to San Francisco and resumed a limited psychiatric practice. See Karl Bowman, My Life in Psychiatry, oral history prepared by Department of Mental Hygiene, 1960.

IV WORKING WITH WARREN

Hogan: That reminds me of a question that I have been asking different interviewees, Helen. I was wondering whether Warren had one particular person or any particular set of people that he liked to use for confidence, for questions -- where he got his advice. Did he have a Ted Sorensen or a Jack Valente or you know, this --

MacGregor: Not that I know of.

Hogan: Sweigert would not have been this person. He was simply his executive secretary.

MacGregor: I think that the governor relied on his staff and his department heads.

Fry: Really, it was just as it appeared on paper, in the administrative structure?

MacGregor: I think so. That's what I mean.

Fry: What about football and hunting companions? Were there any who would have helped him in formulating ideas?

MacGregor: I have a hunch that when he went out hunting or footballing he didn't talk about government. [General laughter] He was completely absorbed!

Hogan: I have read that very few people, if anybody, viewed

Hogan: the whole man. That you would know him in a staff position, and his hunting companions would know him in a hunting position. The football people knew him that way, and that there really weren't any people who knew Warren all around or who he really used for his confidences.

MacGregor: I don't have any reason to deny that. Not that he was secretive at all with his staff, but, you know, his mind would be on one thing. Now here's something that I think is important about him, that is his enormous capacity to get at the facts. If you came in to him with a report on anything -- wouldn't matter whether it was water power or corporations or Youth Authority -- if there was something that you had neglected to include, his first question would be directed to it.

And another thing, he didn't want any second-guessing. Sometimes some of the less experienced members of his department staffs would say that they wanted to see him because they were going to write a report. I'd wangle it out of them that they wanted to know what he thought. I think I saved quite a few from trouble by telling them that, "He doesn't want you to reflect what he thinks. He wants you to give him your best advice and he will make up his mind whether or not he will follow it."

Fry: He wanted another independent mind.

MacGregor: He wanted an independent mind.

Hogan: Did he care how long the reports were?

MacGregor: He wanted them summarized with supporting data attached.

Fry: He wasn't a "one page per issue" man, then?

MacGregor: No.

Now, maybe I should say this about writing speeches for him. He was the most maddening person in the world if you expected him to accept

MacGregor: a speech that was written. In issues relating to children, women, and so forth, education, mental health, he would ask me to make a draft of a speech. He'd go over it. Sometimes he would take a paragraph, but reading what we had prepared would set him going and then he would start dictating. Maybe he'd say, "All right, we can use this paragraph." But usually he wouldn't use the structure.

The presentation of the material we had gathered would act as a stimulus.*

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*An example of this process is the speech "The Role of Women in Probing the New Frontiers," given May 10, 1952 to the Portland Federation of Women's Clubs. The full text is in Miss MacGregor's papers in the Earl Warren Archive. Governor Warren's concluding paragraphs were:

> The thing I like about our women's clubs is this: They not only care about our problems, but they are willing to do something about them ... Without the great interest they have shown and their campaigns for better programs, we would be in the dilemma of not doing the thing that must be done in this complicated system of ours, or we would have to turn the job over to our state and national governments. But our women, by interesting themselves in the problems of the child, the sick, the aging, the handicapped, can avoid the necessity of developing big government to do the job. As they perform these services, they will enable government to functio in its proper sphere and citizen programs in theirs.
>
> As I speak to you of these challenges on the frontiers of the future -- of offering mental health and wholesome development to each individual, of keeping our public opinion sound, of keeping the complex governmental, economic and social structure of democracy functioning in proper balance, I am aware that the women's organizations of America have a great reservoir of power. We men will not leave the burden to you alone. But we need the extra time and devotion you can give. We need the heart of womankind in the work. We share the understanding that if we believe in our way of life, we must work at it, both as individuals and in the community cooperation. I am sure that in the future, as in the past, we will have in our women's groups the sustained leadership that means a better life for all.

Hogan: You could have saved yourself a lot of trouble if you had written just a few vignettes, couldn't you, rather than organizing the whole speech?

MacGregor: I don't know. Of course, I wasn't the speech writer, but on a few things that he thought were my topics, he'd ask me to prepare something.

Fry: Well, I guess he was never in a position then to get up and read something off before he knew what was in it, which has caught many public officials in an embarrassing situation. Did you have to deal with the press in any of these fields?

In the Attorney General's Office

MacGregor: Not in the governor's office. In the attorney general's office I sometimes did.

Fry: In the attorney general's office, what were your responsibilities?

MacGregor: I was his executive secretary and a deputy attorney general.

Fry: So, did you cover many fields, then in the attorney general's office?

MacGregor: I had a very odd position, because I was his personal secretary, and we would do most of our work while he was travelling -- driving back and forth -- and I would have the drafts of opinions of the other deputies and we'd go over them, and he'd give instructions through me.

Back and forth between Sacramento and San Francisco, Los Angeles -- sometimes I'd meet him out at the airport and we'd get work done on the way to and from the airports.

Fry: In the attorney general's office, were there any particular cases that you would like to especially comment on?

MacGregor: Well, of course, there were the gambling ships [laughter].

Hogan: Did you go on those raids?!

MacGregor: No, I wanted to go but the men wouldn't take me. Warren Olney and Oscar Jahnsen have those stories.*

Fry: Had you prepared some of the material?

MacGregor: I did some legal work, but the basic legal work was done by Warren Olney, and the investigative work by Olney and Jahnsen.

Fry: Was that a pretty exciting time in the office?

MacGregor: Woow! It sure was! We didn't know what would happen. The men went out in two Fish and Game boats. They received permission from the Fish and Game Commission to use them to go to these gambling ships manned by Tony Cornero and others. But I don't want to get into the fields that other people really know about.

Fry: Well, maybe you can explain something to me. I don't know whether other peoples' ignorance exceeds mine or not, but I thought that they were beyond the three mile limit established by international law.

MacGregor: No, and I can help you on that because that was the one point that I researched.

The three mile limit was something that was established back in the sixteenth or seventeenth century when it was the limit of effective cannonading. At the time of the gambling ship episode there were cases in the World Court which held that the state was not limited to the three miles in protecting its own people. There were some fishing cases. I did find precedents in the reports of the World Court. Furthermore in our case there was a system of water taxis that were taking people back and forth from the shore to the gambling ships, reaching them was worked out in some way with the Public Utilities Commission.

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*See interviews in this series with these individuals.

Fry: What do you mean, "Worked out"?

MacGregor: Well, I think they issued an injunction -- a cease and desist order, or something like that.

Fry: And that definitely was within the three mile limit.

MacGregor: Yes. The three mile limit -- I guess we couldn't claim territorial jurisdiction beyond the three mile limit, but the state could take action to protect the people within its borders, if a menace was existant.

Of course, there was the Mark Megladdery case which was one of the very first investigations --

Hogan: The pay-off on paroles.

In the District Attorney's Office

MacGregor: I should also say something about Earl Warren's work when he was district attorney. This was before I got there but I have some recollection. He worked with the State Bar and the Commonwealth Club in developing the constitutional amendment which transformed the attorney general's office into a state department of justice. It gave coordinating authority over police and sheriffs and district attorneys to the attorney general. The constitutional amendment passed, about 1933 or '34, after the lynching down at San Jose. That was the situation that aroused a great deal of public indignation. The fact that California was broken into separate jurisdictions was another motivating force. It was very difficult to enforce the law and some officer with unifying authority was needed. Mr. Warren, as attorney general, started the system of zone meetings of district attorneys and sheriffs.

Hogan: Didn't he do some of that type of work, though, Helen, when he was district attorney in trying to get the various police departments together?

MacGregor: Yes, he did in Alameda County. He organized the kidnap squad, the bunco squad --

Fry: And this was all the police jurisdictions in Alameda County?

MacGregor: Yes.

Fry: Kidnap squad, bunco squad -- do you know any others?

MacGregor: Not off hand.

Hogan: And these were composed of key men from different police departments.

MacGregor: Yes, they worked out plans for coordinated action should crises arise.

Another thing that he did when he was district attorney and later attorney general was to develop means of professionalizing police work through education. And that's a story that Oscar Jahnsen can tell.

Hogan: Am I correct in believing that Oscar Jahnsen was the first investigating officer on the district attorney's staff?

MacGregor: No, George Helms was captain of inspectors, and George was a wonderful guy.

Fry: I thought that there was just one.

MacGregor: Oh, no. Oscar was the lieutenant of inspectors. There was a staff of maybe four or five.

Hogan: I see, that's the trouble with reading these books. You can pick up misinformation too. One of them definitely says that he was the first.

MacGregor: Well, that's not correct. He was also in the attorney general's office. He was in charge of the investigative staff there, but George Helms in the district attorney's office was described by Earl Warren in autographing his picture, as the "finest peace officer" that he had ever known.

Hogan: He is no longer alive?

MacGregor: No.

Fry: Was Helms appointed by Earl Warren, or was he already there?

MacGregor: I don't know.

Fry: But you knew Helms. He was there when you were there?

MacGregor: Yes, I loved George Helms.

Fry: He must have been quite a humanitarian sort of person.

MacGregor: He was, and one of the things that I can remember so vividly was when a situation would come up, we would talk it over and decide whether we could handle the situation or whether we would have to bother the boss, the Chief, as we called him.

Of course, in an office like that, you get a lot of wildeyed people, and a few nuts and all sorts of difficult situations to handle. George Helms used to say, "I guess what we'll have to do is kill them with kindness."

Fry: What did that mean, though?

MacGregor: We would just listen. It was psychiatric therapy. You sit and nod your head and let the person talk, and do what you can, and usually they would go away satisfied.

Fry: I get the idea that Oscar Jahnsen was kind of a real go-getter as contrasted with George Helms.

MacGregor: In manner. George Helms was certainly a go-getter when it came to working out a plan of gathering the evidence, but he was an older man, quite a bit older than Oscar.

When I went to the district attorney's officer George Helms was heading the investigative staff. There was George as chief, Oscar as

MacGregor: lieutenant, George Hard, George Henningsen, Chet Flint. There may have been one or two others, but those are the ones that stick in my memory.

Fry: Did these men have separate areas that they handled?

MacGregor: I don't know. If I ever did know -- that was under George Helms.

Staff Friendships

MacGregor: One of the things that I should, perhaps, wind up with, is the remarkable ability that Earl Warren had of picking splendid people. I saw it in the three different offices: the district attorney's office, the attorney general's office and the governor's office. In every instance, we became a group of very close friends.

Fry: Oh, really. You were all compatible?

MacGregor: I don't know how it could happen, but it did. Not all, you know. Relationships with one another varied in degree, but I think we all admired one another. They couldn't get us crossed up. It was one of the things in the governor's office that was funny sometimes.

Fry: No dividing and conquering.

MacGregor: No. People would maybe be dissatisfied with what one secretary had said, and call another one thinking that they would get a different viewpoint. With our system of memos that we had, informational memos, and our frequent conferences at eight-thirty in the morning, we knew pretty well what was going on and what was coming up. So, I don't know how the others handled it, but I would say, "I think Mr. Sweigert was working on that," and they'd say, "Well, I can't get anywhere with him," I'd said, "Well, then, you know, he's close to the governor himself." [Laughter]

Hogan: Well, also, you moved together, quite often. The staff went up the ladder.

MacGregor: Yes, when we went to the attorney general's office, several from the district attorney's office went, and then when we went to the governor's office, the governor brought along Bill Sweigert who had been in the attorney general's office and two of the girls, Marguerite Gallagher and Evelyn Peterson.

Hogan: Oakley came along.

MacGregor: Oakley didn't, at first. Bob Kenny was attorney general, and knowing the close relationship between Earl Warren and Jim Oakley, he put Jim Oakley in charge of the Sacramento office. They worked very harmoniously together. Kenny put Oakley in charge because he knew that that would make a very happy, useful relationship between the attorney general's office, and the governor's office.

When Bill Sweigert was appointed to the bench, the governor appointed Jim Oakley as executive secretary.

Fry: I'd like to ask you questions, too, about the other attorney general.

MacGregor: Howser? I really know nothing first hand. I know mostly what Oscar Jahnsen told me.

Fry: Well, OK, then I'll ask you to give me questions to give to Oscar Jahnsen when I get to see him!

MacGregor: Well, just ask him about the beginning of the Howser administration as attorney general and what information came to him about trouble that was brewing. I don't know how he got wind of it. You know law enforcement circles, their grapevine.

Date of Interview: October 30, 1969. Interviewer was June Hogan.

V PERSONAL HISTORY

Childhood in Oakland, California

MacGregor: Well, I'll be glad to give you what I can of my early history.

Hogan: Fine. You were born in Oakland?

MacGregor: In Oakland, California, on this property.

Hogan: In the same house you are living in now?

MacGregor: In the little house that's at the back of the lot, next door.

We moved into this place when I was two years old.

Hogan: Where did your parents come from?

MacGregor: Both from Middleton, Nova Scotia, Canada.

Hogan: What brought them to California?

MacGregor: My father came out as a young man in search of work in 1887 and first went to Los Angeles because of a boom there. When the boom collapsed, he came to San Francisco. He was a carpenter and builder. I know he was here in 1890, because mother came out and they were married in June of 1890.

Hogan: She was an old home town girl friend, then, that he brought out?

MacGregor: Yes. They had become engaged four years before. That is, they were engaged when he came out, in 1887, and then they were married in 1890, in Mayfield, California, at the home of a family connection.

Hogan: Where is Mayfield?

MacGregor: Mayfield is near Mountain View in Santa Clara County.

Hogan: Do you want to give us their names?

MacGregor: My father was John Ryle MacGregor, and mother was Henrietta Weaver. They came to Oakland right after their marriage and rented property. They came from people where it was a disgrace to rent, so just as soon as they could, they bought this property here on 60th Street, and built the little house.

Hogan: Is it still there?

MacGregor: Yes, it's still there, but it's been moved from the front of the lot to the back of the lot. We don't own that property now.

Father did a great deal of building, both in Oakland and San Francisco, as a contracter, up to the time of the earthquake and somewhat beyond. He had contracts at the time of the earthquake which ruined him financially, because prices went up. He had already entered into the contracts, and he did not repudiate them. That was the beginning of some very close financial straits for the family.

Hogan: Well, when were you born, then?

MacGregor: I was born June 7th, 1897.

Hogan: And you were the oldest.

MacGregor: The folks had lost a little brother before I was born. And I had one brother who was born in 1901. He is John Ryle MacGregor, Jr.

At that time this was a semi-rural area. There were grain fields across the street and clear up to Shattuck Avenue.

Hogan: How far away was the town?

Parents' Interest in Civic Affairs

MacGregor: Three miles.

Father was very much interested in politics. He was a candidate for the city council in 1901, and was defeated. Then he was a candidate again -- I don't know just when -- but he was elected to the city council in 1909 and served until 1911 when a new charter went into effect.

He ran for the city commissioner -- the new commission form of government -- and was defeated.

Hogan: Did that cure him then?

MacGregor: He couldn't afford to go into politics then. It was very hard scratching. I was sick a good deal while he was in politics, I had a stomach condition. He used to talk to me about the problems of the city that he was working on. I attribute my interest in law and government to this early conditioning by father.

Hogan: Well, when this was such a rural area, what did you do about schools? Was there a school?

MacGregor: Yes, there was the Washington School which is still in existence. It was in a building which is now two flats down on Adeline near 58th Street. I started school there. That school is still in existence, history-wise, continuity-wise, up at 61st and Shattuck Avenue. However, the Washington School from which I graduated, was a brick building on the same property where the school is now.

I can't say when it was started. The story is that the building was completed and accepted two days before the earthquake in 1906 and was wrecked in the earthquake. So it was probably about 1907 or '08, before it was ready for occupancy. But I know we were in it at 1908 or 1909 because I have the program of the Washington School bazaar in 1909.

Hogan: [Laughter] What grade would that have been?

MacGregor: What grade was I in at 1909? The sixth grade.

Hogan: Then, did your school go on through eighth grade?

MacGregor: Yes, we went through the eighth grade in Washington School, I graduated in 1911.

Before we leave the early history, I'd like to say that father was very active as a member of the Adeline Sanitary District before this area was part of the city. Not long ago, I came across his appointment as a member of the board of the Adeline Sanitary District. That was absorbed into Oakland. I can't give you the date of that. Certainly by 1901.

Hogan: I was trying to link your studies with your father talking to you about city politics. Was there anything in your schooling?

MacGregor: I just was a bear in the civics class! [Laughter] Both the teacher and the other students were very much amused because I was so interested in garbage disposal and sewage.

Hogan: And this comes from your father and his various civic efforts. Were there many people living in this area then?

MacGregor: Quite a few. They began building up the area to the north after the earthquake. See, all of these cottages were built about that time (pointing across the street).

Mother was the first president of the Mothers' Club. This was the first Mothers' Club in Oakland, and it later was absorbed into the PTA.

Hogan: She was civic-minded, too.

MacGregor: Oh, yes. They <u>really</u> were.

Hogan: You <u>had</u> to get yourself involved!

MacGregor: I had to be involved. We had a very wonderful principal, Mr. Charles E. Hudspeth, who was in those early days fighting for the same things that we are still fighting for in community organization. There is a whole list of firsts that Mr. Hudspeth and the PTA and the Dads' Club worked for.

For instance, at this bazaar in 1909, money was raised for the equipment for Bushrod Park as that it was converted into a playground. Also, some of the money that they raised was used for kindergarten. The first public kindergarten in Oakland was started in Shattuck Avenue Methodist Church. Later the men in the area got together and built a little bungalow on the Washington School grounds.

Hogan: What year would you guess this was?

MacGregor: Well, I would guess that that probably was 1910 or '11.

Hogan: You had a perfect background for what you later became involved in.

MacGregor: Yes, and it was a very logical development. When you were talking to me over the phone you mentioned reading materials and that sort of thing. Well, my brother and I were fed reading materials before we understood what we were hearing.

Mother read to us. She read us history and literature of various kinds.

Hogan: How much younger is your brother?

MacGregor: He is three and one-half years younger than I am.

Hogan: Did she read to you every night?

MacGregor: I don't remember how systematic it was, but I do remember her reading. I still have the books that she read from. They were profusely illustrated. [She searches for books and brings one out.] The Short Story of the Greatest Nations.

Hogan: Did church play a large part in your life, too?

MacGregor: Not too much. Mother was a member of the First Baptist Church and I remember attending the Sunday school there, but that was some distance, and I don't remember being a regular attender.

Hogan: The community organization, then, was around the school.

MacGregor: Yes. Although the Shattuck Avenue Methodist Church, of which I am now a member, was in existence then.

Hogan: Then from Washington School --

Academic Studies at Oakland High School

MacGregor: I went to Oakland High School, when it was down on 12th and Jefferson Street. I'd like to record that the teaching at that school was some of the finest, I'm sure, that has ever been in a high school. I'd like to put in a few of the names. Miss Claire Soulé was an English teacher who was able to make the great literature come to life. I remember studying "The Merchant of Venice" with her, and "Julius Caesar." Two of the boys memorized the conversation between Brutus and Cassius after Ceasar's death. It really recreated the problem of citizens resisting dictatorship.

In "The Merchant of Venice" I remember I had an assignment -- it was "Antonio, a Christian gentleman." I remember working that out for Miss Soule and the class on the basis that he was a Venetian gentleman, but he didn't meet the standards of a Christian gentlemen. [Laughter]

Idylls of the King was enthralling to us. I don't know quite how she did it, but Miss Soulé was a dramatist at heart.

We also had another teacher who was great in drama and she coached the drama a great deal -- that was Elizabeth Kdroldansky. I had an ancient

MacGregor: history teacher, Miss Johnson, and when I was in Rome, I could practically hear her voice telling about the development of the Roman Empire and the role of the Forum. I spent a very happy day just roaming around the Forum all by myself and remembering and learning more.

A Miss Powell was a very fine teacher in modern history. I think that much of my pleasure of traveling in Europe was because I did have that kind of a foundation in history.

Above all, I owe the most to Miss Anna Graeme Fraser. She was one of the most inspiring teachers who could be found. I had her for economics. She was a very clear teacher. But she stimulated our thought way beyond the realm of ordinary high school thinking, for instance, when she taught a principle of economics, she would have us discussing the implications and consequences of its operation. She would not only consider how it affected the business community, but the people on subsistence margin, the people who were working on small wages -- and wages were very small in those days, the middle income group. The whole problem of poverty was brought to our attention. Also the problems of affluence. Sometimes she would lecture, and her lecture on the French Revolution was as brilliant in its way as Henry Morse Stephen's lectures. She was not only a brilliant teacher, but before I leave her stimulus of discussion, I should say I don't think that any student who ever took econ. with Miss Fraser was insensitive to poverty and its effects on people, on the community, and on the nation.

Hogan: Did you take econ. in college?

MacGregor: Yes, it wasn't as good as hers.

Hogan: This was at UC.

MacGregor: Yes. On the whole, the teaching at Oakland High School was superior to anything I found at the University.

Hogan: It certainly speaks well for the Oakland school

Hogan: system at that time.

MacGregor: Yes, but more than anything else, it speaks well for the principal, Mr. Charles E. Keyes. He later received an honorary doctorate from Marietta College of which he was a graduate. But he was Mr. Keyes to us. Of course I knew that he was sympathetic and stimulating to students, but as an older person, as I worked in administration, I realized that he created the atmosphere where this very fine teaching became possible.

Hogan: Was that the only high school in Oakland at that time?

MacGregor: No, there were two others. There was Fremont High School and Oakland Technical High School, which was quite near Oakland High School. It was down on Market Street, and not long after that it moved into the new building on Broadway.

Hogan: How did you happen to go to Oakland instead of one of the other ones?

MacGregor: It was nearer, and it was the school that specialized in academic preparation.

Hogan: So there was the distinction then --

MacGregor: I guess Fremont also taught that, but Fremont was way out in East Oakland, and very inconvenient.

Hogan: But Tech really was a technical school at that time.

MacGregor: That's my impression.

Hogan: What about extra-curricular activities?

MacGregor: I had a very fine preparation for my law work because I was very much interested in debating. We had the Ecclesia, the girls' debating society, and the Assembly, which was the freshman boys' society, and two debating societies for boys, the Senate and the Congress. We would challenge each other to debates. That's where I got my basic training in public speaking. When I found that I could win debates in the inter-organizational debates, I went out for the debating team. I was on the 1915

MacGregor: debating team that beat Berkeley High, so I got my big "O" the same as football people.

Hogan: So the school competed amongst the high schools. Did you travel other places?

MacGregor: No. I think that the only school we debated was Berkeley High. The topic is still burning. It was "Resolved, that the Monroe Doctrine should be continued" and we were on the negative. My speech was to substitute for the Monroe Doctrine a Pan American Doctrine.

Hogan: And you still remember it now.

MacGregor: Oh, yes. I still have my notes.

Now, going back to Miss Fraser. Miss Fraser was not only a superb teacher, but she gave us her friendship, and though she wasn't the debating coach, she would see us in the hall and say, "Hello, how's it coming? Well, bring in what you have, after school." She would go over it with me and make suggestions and then we talked and she gave me her friendship. It wasn't only I. Some of the very prominent men in California got their stimulus from Miss Fraser.

Hogan: What about minority groups in school at that time, Helen?

MacGregor: There were some. They were just taken for granted. We had the family of Dr. Ng Pong Chew. He was the publisher of a Chinese paper in San Francisco. I think in my class there were two of his children, Effie and Edward.

Hogan: But it was more the exception than the rule, was it not?

MacGregor: There were very few. There were some Chinese, some Japanese, some Negro, but they were just part of the school.

Referring back to the debating people, we were the nucleus of a social group which was in

MacGregor: contradistinction to what you would call the dominant social group of children of wealthy people. We could neither afford nor were wanted by this wealthy group, but we were very happy with the parties and trips and so forth that we worked out among our own congenial group of people. Not all of them were debaters, but we just gathered together.

You may have read that Oakland High School had its centennial observance? That was an afternoon affair, so my brother and I invited some of our closest friends here for brunch and one of the members of the debating team with me was here. Truly life-long friendships were formed.

Hogan: What about publications? Did you have high school publications?

MacGregor: Oh, yes. We had the Aegis. It was a weekly newspaper. Then each graduating class had its Aegis. I think it's important in the history of Oakland that there was such a fine high school.

Hogan: Did the majority of the children go on to college, do you know?

MacGregor: Yes, I'm sure of that. Certainly all of us in our social group, most of us in our social group went on to college.

Hogan: Normally to Cal?

MacGregor: Yes. Some went to Stanford, my boy friend and my closest girl friend went to Stanford.

Hogan: But that assumed a position of more wealth than going to Cal did.

MacGregor: There were scholarships there. I used to go down to Stanford to dances. I stayed out a year between high school and college and worked at my music.

Hogan: Piano? And you had been taking that since a small child?

MacGregor: Yes. I started really good work when I was fourteen. Then, at the end of the year after I graduated I devoted to music, I gave a small

MacGregor: concert.

Hogan: Were you seriously considering becoming a concert pianist?

MacGregor: Yes, there were times when I was. But I decided that I didn't have the makings of a great pianist, and I preferred law to just being a hanger-on in the musical world.

Life and Learning at Cal

Hogan: Had you really thought of law that early, in high school?

MacGregor: Yes, I think I had made up my mind when I was a senior in high school.

Hogan: And you think it was your father that led you to this?

MacGregor: Well, father, and the public speaking and the debating, and several of my friends who were in the debating societies went on to Cal and went through law school.

Hogan: Women?

MacGregor: No, those were all boys.

Hogan: This is what is so exceptional, it seems to me. There aren't that many Annette Abbot Adams.

MacGregor: Well, there were some very fine women in the law school who had graduated by the time I had entered the law school. There was a fine group when I was there. My cousin Charlotte MacGregor, now Mrs. Boggs, was a year ahead of me.

Hogan: How large was your class, then, at Cal in law school?

MacGregor: I just can't remember. But I think there were about five thousand students at Cal all together, I think, during the semester. That's just a very rough guess.

Hogan: What did you major in as an undergraduate at Cal?

MacGregor: I majored in pre-legal, history, poly sci. I took some law courses. I took one law course, Blackstone, in my sophomore year, and I took jurisprudence and English history in my junior year. I took Professor Orin Kip McMurray's course in Anglo-American jurisprudence in my junior year. And then, at that time, we could take our first year of law school in our senior year. So, my total college course was six years.

Hogan: Did you live at home while you were going to Cal?

MacGregor: Yes.

Hogan: How did you get from here to there?

MacGregor: By street-car, and then, at some point, after my brother was in college, he got a funny little red car that we called the "fire engine" and we'd usually go up to the campus together.

Hogan: He didn't go into law too, did he?

MacGregor: No, he went into engineering.

Hogan: Was this standard practice then, to live at home and go to school if you were from here?

MacGregor: I think most of the people who lived in Oakland and went to Cal lived at home. I belonged to a sorority, and there was a substantial number of local gals who lived at home. There were no dormitories in those days. There was a Saint Margaret's House run by the Episcopalian Church, and boarding houses and sororities and fraternities.

Hogan: What about social life? Maybe with piano and debating you didn't have much time.

MacGregor: Oh, yes I did. [Laughter] These friends that I made in Oakland High School, and my sorority group and friends that I made in law school made a very nice social life. My social life always centered in my home. We had parties here -- very simple parties, but we turned the house upside down, and

MacGregor: we danced to a wind-up victrola. Mother and father were wonderful in helping us with our social life. One of the things that my friends talked about and looked back on with great pleasure were the Sunday evenings at home. We always had the first Sunday evening of the month at home, and it was generally known and people would come whether they were specially reminded of it or not. It was mostly conversation, a good deal of music. We had one friend who did delightful recitations.

Hogan: Was this all age groups or was this your particular friends? Did your parents' friends come here, too?

MacGregor: They didn't come. It was my friends and my brother's friends. We kept this up until I went into the attorney general's office. We had some parties here. I guess we kept it up until the war, and then the demands on the attorney general's office were so great that I had to give up my personal social life.

Hogan: You still lived at home, then, all the time that you were working?

MacGregor: Yes, until I went to Sacramento. Even then I kept this as my legal residence and came home frequently.

Hogan: I'd like to ask you more about what it was like to be a working woman in those days.

MacGregor: It was very hard to get a job as an attorney. I graduated in 1922 and was admitted to practice in August of that year.

Hogan: Did you have to take a bar exam?

MacGregor: Oh, yes! It was a stiff three-day examination. After taking the examination, I went away on a Sierra Club trip to forget it.

Hogan: Were you a pack tripper before?

MacGregor: I was a great hiker.

You asked about my social life: when I was in law school, there was a group of us, a fair sized group of both men and women, who hiked

MacGregor: every third Sunday of the month. We danced together and we studied together and we hiked together. It was a wonderful experience.

Hogan: Where did you hike? All through the hills out here?

MacGregor: Berkeley hills, Contra Costa hills, Marin County hills. We used to get up early in the morning and take the Key System train and boat to San Francisco and then the boat to Sausalito. We really knew that Marin County country.

Hogan: So, after the bar exam you went up to the Sierra. You had been to the Sierra before?

MacGregor: I had been to Fallen Leaf Lake and the Tahoe country.

Hogan: But this was a real hike.

MacGregor: Oh, yes. This was a real hiking trip. We had pack animals, but we carried small knapsacks and we slept in sleeping bags. We had two very distinguished leaders of the pack trips: Mr. William E. Colby, a famous lawyer in San Francisco who was secretary of the Sierra Club and who taught water law and mining law at the School of Jurisprudence at Cal. He gathered his mountain lore from John Muir, whom he knew as a young man. The other man was Claire Tappan, who was at that time a professor at USC but who later became a judge. They really gave a remarkable quality of leadership.

Hogan: Did you follow the John Muir Trail?

MacGregor: The John Muir Trail wasn't in existence. But we explored areas that are now part of the John Muir Trail. We walked from the top of Mount Whitney along the Whitney Trail to the Upper Crabtree Lakes and then down.

Hogan: How long was this trip?

MacGregor: I think it was either twenty-eight or thirty days.

Hogan: But when you came back, you didn't have a job.

MacGregor: No, I didn't have a job. I would go to different places and visit law firms.

Hogan: What was their attitude towards you?

MacGregor: Courteous, but they didn't have a place for me.

Hogan: Was it really because they didn't have a place or they didn't want a woman?

MacGregor: I think they weren't making any efforts to accommodate a woman. There was one attorney in San Francisco who finally offered me a job. But along in March of the next year, I did get my first job, which I told you about in the previous interview. The same day one of these attorneys that I had been working on offered me a job.

I had gone around to all the different offices in Oakland and San Francisco and just didn't get anywhere.

Hogan: Was the reaction any different in a large law firm than it was in a small law firm in San Francisco? The larger ones have always been accused of being rather slow in taking women.

MacGregor: I would say, that wherever I went, I was courteously received, but no job.

Hogan: And this first job was with Judge Pulcifer's court.

MacGregor: I can say this, that once I had a job, I worked with men who were most considerate and I never felt any handicap because I was a woman. And also in my relations with the attorneys, I never felt that there was any handicap.

Hogan: There was never any question about whether you had your law degree properly or not.

MacGregor: No, nor whether I knew what I was talking about.

Hogan: When you were in Sacramento you had an apartment there. Did you share it with another woman?

MacGregor: No.

Hogan: And you came back to Oakland on weekends?

MacGregor: Yes.

Hogan: But when you were in the attorney general's office, which was located in San Francisco, you continued to live at home.

MacGregor: Yes.

Hogan: And did your brother continue to live at home?

MacGregor: Until he was married.

Hogan: Well, Helen, let's get back to your school days. You mentioned the teachers at Oakland High School being so good, did you want to talk about any of the others?

MacGregor: Well, I would like to say that the teachers at Washington School were excellent and most encouraging. I think looking back, I can realize that they gave me material to enrich my regular school work.

Hogan: Did you have large classes in those days?

MacGregor: Yes, they were large classes. And often times, the high and low portion of the grade would be in the same room.

Hogan: But, there weren't combined grades or anything like that?

MacGregor: No.

Hogan: What about your days as an undergraduate at Cal? Do you have any particular recollections of them?

MacGregor: Of course, they were colored by the fact that war was impending. I entered the class of '20 in 1916 and some of the men were leaving for the ambulance corps, both from Stanford and Cal. Most of the men enlisted as soon as war was declared in April of 1917; there were very few men on the campus. There were some, but my social life was mostly with the young women in my sorority.

Hogan: Sororities were very important then, were they not?

MacGregor: Yes, they were.

When the young men began to come back after the end of the war, social life took a very different turn, and I made some of my lifelong friends among the men as they came back.

Then of course in the fall of 1919, I entered law school with a remarkable group, because the men who had been away because of war came back and they were at varying ages -- a span of one, two and three years difference in age. They were a remarkably able group of men who had started three different classes. Often times, they would take the discussion away from the faculty.

I remember one course in Anglo-American -- it was on Hohfeldt's concepts of rights and responsibilities. There were some of the most brilliant men in that class that I have ever known. It was a small class with Professor Max Radin and at first I was barely able to catch onto the tail feathers of the ideas.

VI FURTHER DEVELOPMENTS IN YOUTH SERVICES

Governor's Committee on Children and Youth

Hogan: I wanted to ask you, Helen, why it was that you did not go on to Washington with Mr. Warren in 1953?

MacGregor: Basically because I was not free to do so. For years I had wanted to be on the California Youth Authority. When Governor Warren announced that he wasn't going to be a candidate for re-election, he made up his mind that he would appoint some of his staff to positions to which they aspired. After the legislation creating a position on the Youth Authority which should be held by a woman was written into the law, he told me that I would have the appointment. I took the oath of office on September 10th, 1953. Justice Vinson died maybe two weeks after that. Immediately thereafter, or so it seemed, Mr. Warren was interviewed about becoming chief justice. By that time, I was already engaged in the work of the California Youth Authority.

Hogan: Then, how long did you serve on the Youth Authority?

MacGregor: I served on the Youth Authority for four years. I had been very close to the Youth Authority from the beginning, as I think I told you in the other interview. I had maintained a particularly close relationship with the Youth Authority because of the establishment of the Governor's Advisory Committee on Children and Youth, in 1943, and my relationship to it. Karl Holton, the director

MacGregor: of the Youth Authority, was the secretary of the committee. Heman Stark, who ultimately became director of the Youth Authority after Karl Holton, was also related to the committee work.

My work with the committee gave me great familiarity with the problems of children and youth and was, I'm sure, one of the factors that created my ambition to serve on the Youth Authority Board. I don't know whether I gave the date of the founding of the Advisory Committee on Children and Youth, but it was November, 1943.

Hogan: What prompted this, Helen?

MacGregor: It was prompted by the conditions of youth and children in California due to the war and the special problems that the war created.

Hogan: It wasn't any one particular instance such as the zoot suit riots?

MacGregor: Not that I can remember. The zoot suit riots resulted in the appointment of a committee of which Bishop McGucken was chairman, but I have no definite recollection of the working of that committee or of its report. In preparation for this interview I tried to remember or to see if I had any documents from that but I don't.

Hogan: Do you want to tell about what sort of conditions were going on with young people then?

MacGregor: There was a rise in delinquency. There were the young people who came to California following the soldiers, the camp followers.

Hogan: Girls, mostly?

MacGregor: Girls and boys. Very young boys were in the armed forces, too. Other than that, I don't have any definite recollection.

Hogan: Today's topic is dope.

MacGregor: I don't think there was any single thing. It was the needs of children and youth that prompted Earl Warren to appoint the committee.

Hogan: Had there been such a committee in the past?

MacGregor: Not that I know of.

Hogan: But, so far as you know, there was no feed from the McGucken committee into this governor's committee on children.

MacGregor: Not that I can recall.

Hogan: Or from any previous committee. And yet, this has been an on-going committee since then. It's still in existence.

MacGregor: This committee was organized as the committee on Youth in Wartime, under the War Powers Act. The State War Council had been created and many activities were stimulated by the State War Council.

Hogan: This was a civil defense type thing.

MacGregor: Yes, a civil defense sort of thing. The problems couldn't all be solved on the state level, and so there was always this constant working with the cities and the counties with their tremendous diversity.

For one thing, in answer to an earlier question, there was the influx, which had been going on even before the war was declared, of families into the areas where ships were being built and where there were war industries. Richmond was one of the ones that we were very familiar with, and of course these families -- and many of them were from the Deep South -- had no roots in California and they came with their children and had to be provided housing. This was a time of very tight housing. It's hard to reconstruct just what the situation was in those days, but nevertheless, there were acute problems and a sense of urgency first in understanding them and then getting advice

MacGregor: as to what to do about them.

Hogan: And many of these were Negroes from the Deep South.

MacGregor: Yes. In Richmond and San Francisco at Hunters Point. I don't know just how the influx was distributed in Southern California.

Hogan: So this committee was set up purely on an advisory basis.

MacGregor: Yes. Throughout the history of this committee, it has existed to advise the governor and the related state departments.

I think perhaps right at the beginning of this subject, I should say something about the staff committee that has served the advisory committee. This was set up at the beginning and has continued ever since. Each department head with the responsibility for some service for either children or youth or families was asked to name a staff person to work with the advisory committee. This gave to the committee of the whole, private citizens, access to information and help in working out their studies and surveys and whatever they felt they needed to have before making a recommendation. Some of the people who were on the staff committee in the very beginning almost to the present time continued to serve. One of the results was a much closer relationship of staff in the various departments below the department head level. This has been regarded by governor's committees in other states as a particular strength of the California committees and this continues to the present day.

Hogan: We ought to get into the record what those departments were, Helen. I have the Attorney General, Education, Employment, Public Health, Industrial Relations, Mental Hygiene, Personnel Board, Recreation, Social Welfare and the Youth Authority. I was wondering why the Personnel Board was in this.

MacGregor: Because of the personnel staffing these departments. The qualifications of personnel are vital to the effectiveness of the departments.

Hogan: Well, what were some of the early problems then? What early propositions did the committee put forward? This was when you were liaison to the committee. When did you become a member?

MacGregor: Not until Governor Brown appointed me in 1959.

I think, perhaps, I can best lead into the discussion by a couple of the quotations from the governor's charges to the committee. This is a quotation from the charge when the committee was transformed from the Youth in Wartime Committee to the Committee on Children and Youth. It was called the California Youth Committee.

> Governor Warren said, "Your accomplishments during the war period, and the fact that California will undoubtedly be faced with increasing juvenile problems during the post war years, led to the conclusion that a similar committee should again be made available on a permanent basis for long range planning. It is my desire to appoint such a committee and chapter 1024, statute 1945, provides a legal basis for it. The committee will function in an advisory capacity in cooperation with Karl Holton, director of the Youth Authority.
>
> "While its principal activities will involve consideration of subjects concerning that department's responsibilities, it is also intended that committee assistance be made available to appropriate state departments and agencies and local community organizations in the field of youth services."

That gives the generalized viewpoint. The committee, of course, worked with Karl Holton in the establishment of the temporary Youth Authority facilities, which I described in the earlier tape, and the standards for the facilities.

Juvenile Justice

MacGregor: The peace officers were in a quandary caused by misinformation and lack of specialized skills in regard to handling juvenile offenders. One of the activities of the committee was the preparation for and recommendation of the establishment of the Institute of Juvenile Control at the University of Southern California. That continues to this day. It was started in '44.

Some on the committee worked on the development of a peace officers' manual for the handling of juvenile offenders.

There was the question, of course, of the migrant youth in California -- by that, I am not referring to the migrant laborers, but the children who are wandering about California. I don't find that the study on transient youth in California was started at any particular time, but by 1947 it had progressed to a situation where the Rosenberg Foundation began the funding of the study.

I'd like to, at this point, bring up the way some of this committee work was done. Just take the subject of transient youth. The governor's advisory committee would appoint a subcommittee on transient youth or some other subject. As they studied it and found that they needed far more information, they would get the governor's permission to apply to the Rosenberg Foundation for a grant. On this subject, the first grant was in February, 1947. That suggests to me that the subcommittee was working for a year at least, probably two years, before the grant was made.

When a Rosenberg Foundation grant was made, a citizens' committee to work with the director of the project would be established. Some of the governor's advisory committee would be a nucleus but other qualified citizens and experts in California would be added. In that way many people not on the committee became involved in its work. That was true with every one of these Rosenberg Foundation grants.

Hogan: Yes, I was interested that the funding, when you went into a special subject, didn't come from the state at all, but came from an outside source.

MacGregor: There were some projects that were funded by the Department of Education and others, but I would have to go back into the history.

Hogan: Membership on the committee itself is not paid?

MacGregor: No. The only compensation that the members had was their travel expenses, which included the travel per se, and compensation for meals and lodging.

Hogan: How large was the committee?

MacGregor: I think there were eighteen members on the Youth in Wartime Committee and then it was enlarged to twenty-one persons when the California Youth Committee was appointed in 1945.

Hogan: That was November, 1945, when it was put under the State Disaster Act. And that was largely because there was a reorganization of the civil defense program?

MacGregor: That's right. And it was put there so that the funds could be appropriated for the travel expenses. And the same thing was true later on when it was put under the Youth Authority for administrative purposes and for the payment of travel expenses.

Hogan: When did it then become the Governor's Advisory Committee on Children and Youth?

MacGregor: I can't give that date. It was when I was away. Probably it was when the Disaster Act was nullified.

Hogan: I'm not sure that I have that date, but I'll check.

MacGregor: Well, Mr. Holton and Mr. Stark would have that date. Of course, if anybody was doing research on this committee they would find the minutes of the committee in the Youth Authority office. I'm

MacGregor: sure that they have been preserved. And that's the only way that the work of this committee could be readily followed. Because, you know, one's memory after twenty years or more gets pretty cloudy.

Hogan: What about the relationship of this committee to the various crime study commissions that were appointed?

MacGregor: I think that the governor's advisory committee were aware of the inadequacies of juvenile justice in the juvenile courts in California and recommended that one of the crime commissions be on juvenile justice. There may have been interlocking memberships, from the governor's advisory committee to the juvenile justice commission.

Recreation Commission

Hogan: Was there any relationship between this committee and the establishment of the recreation commission?

MacGregor: Yes, that's quite a story. I had forgotten that the governor had recommended that recreation not be a state function. As far as I can recall the basis of that, there was an agency within the Department of Education which had recreation as part of its function, but that turned out to be recreation within the school system. That wasn't meeting the need. The governor's advisory committee had been very much concerned about this and had again a subcommittee working on recreation and asked for authority to apply for a Rosenberg Foundation grant. An expert was employed to make the study and legislation was drafted. The recreation commission was established in 1947.

Going back, one of the things that the committee was originally interested in was the use of the school facilities after school hours for recreation purposes. They made a check on the extent to which it was being used. This, of course, varied from community to community. Then it was recommended -- and this was done -- that a recreation specialist

MacGregor: be placed on the field staff of the Youth Authority. Because by this time, the Youth Authority was making surveys and studies of their communities at their request.

Hogan: Not in a correction way.

MacGregor: Not solely in a correctional manner, no. In the beginning the Youth Authority had the responsibility for advice on community services. Mr. Sterling Wymans came on the Youth Authority staff as its consultant on recreation.

This history states that the California Youth Committee requested that several persons associate themselves together as a California committee on recreation to study the problem of state services, the need for such services, and the methods by which legislation might be enacted to make such services effective throughout the state.

I was right. This committee was established and urged to make a request to the Rosenberg Foundation to aid in making the study and setting up demonstration training institutes. The grant was approved and a booklet was prepared. We got a man from another state to make the study and, on the basis of this study, the legislation was requested and finally approved setting up the recreation commission as an independent agency. At that time it seemed it would function better if it wasn't tied in with any of the regular agencies.

It was never a very popular agency with the legislature and every two years we had to make a fight to keep it.

Hogan: We still have it however, do we not?

MacGregor: No, we have an aspect of it in the Division of Beaches and Parks.

Hogan: But that's where it's been combined.

MacGregor: I don't know.

Hogan: I wanted to ask about Mr. Warren's role in all this and in creating the committee in the first place, and what interests he had evidenced in this.

MacGregor: Well, he was always tremendously interested. He would, whenever possible, meet with the committee and he supported the committee in its work and many of its recommendations were in turn recommended to the legislature. It was a very happy and cooperative relationship. Of course he would give the committee assignments, such as to conduct conferences on children and youth. If the committee came up with a recommendation that they thought a series of workshops to train community leadership should be instituted, he would support them on that.

State Agency and Community Cooperation

Hogan: Did he use the committee in preparation for the Mid-Century White House Conference on Children and Youth?

MacGregor: Yes. That was the first big assignment and the committee organized a California conference in preparation for it. It was very well attended and its recommendations were the basis of California's report to the White House Conference in 1950.

In preparation for the state conference in 1950, the youth committee felt the need to know just what was going on in California in the full range of services to children and youth. They asked the Rosenberg Foundation for a grant which totalled $25,344 to engage Community Research Associates to make a study. That study was the basis of California's conference and its report to the White House Conference.

One of the findings of that report was a matter

MacGregor: of great concern to the governor's advisory committee and to the governor, namely that, although there was excellent cooperation among the top staff in the state offices of the various departments, there was very little cooperation between their field staffs.

It was felt that much greater utilization and benefit would come to the communities of California if we could get the field staff working together.

I remember when I was on the Youth Authority board that we used to be working toward that end of seeing that our local staff was in touch with the departments of welfare and public health. Some of the departments were so organized with a specialist in the subject, such as in education, who would be up and down the state, so it wasn't an easy thing to do. Nevertheless, that was one of the recommendations that I happened to remember that came out of that study. I am sure that that study is in the library of the California Youth Authority and other organizations.

Community Research Associates is still an ongoing organization.

Hogan: Wasn't the committee, too, charged with followup from the White House Conference?

MacGregor: Yes, and we would have local conferences in different parts of the state. They would be usually called "workshops," and they would be held usually in some collegiate setting.

For years there was one down at Claremont. Stanford had some excellent workshops and so it went -- Chico, Eureka, Sacramento -- and the recommendations and findings would be studied and it would spread into the broader community.

The Youth Authority and the youth committee didn't do this by itself. It would invite other statewide organizations to join in the sponsorship of these workshops. Ultimately, and I don't remember when this happened, these organizations

MacGregor: felt that their relationship was so valuable that they would form an organization, an informal organization not directly connected with the youth committee except in a parent-child relationship. That's called the California Council on Children and Youth. It had no action program but was a channel of communication and recommendation.

Hogan: To the local communities?

MacGregor: To the local communities, and in their statewide meetings they would share their experiences and make recommendations and also they, in recent years, have had a newsletter. The various organizations kept in touch with what each of the others was doing.

For instance, the PTA and the Federation of Women's Clubs might not be too familiar with what the Dental Association was doing or the American Academy of Pediatrics. This Council brings them together.

Hogan: This is not the only advisory committee that Mr. Warren appointed, right?

MacGregor: That's true. I remember that out of the Mental Health Conference of 1949 he appointed a mental health advisory committee.

Hogan: And do you know whether that continued?

MacGregor: I think that that lapsed at some point and later was reconstituted. I know that it was in existence under Governor Brown because he appointed me to that committee.

Hogan: You worked on that one too?

MacGregor: For a time.

Hogan: And this was again a governor's advisory committee?*

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*See Portia Bell Hume manuscript.

MacGregor: Yes. You see, in California, the governor speaks for the needs of the state in his state message to the legislature. He makes certain recommendations, and it's in his choice of these recommendations that the advisory committees are so helpful.

Hogan: Do you think that this is a practice that Mr. Warren initiated?

MacGregor: Yes. I had not heard of that before his time. I don't know that they had statewide conferences, such as those that he called on children and youth, mental health, and education.

Hogan: Aging is another one that I ran across. So, he used these as sort of a source of ideas for his annual messages to the legislature.

I have the beginning of the mental health conferences at about 1949.

Protective Services

MacGregor: That's right.

You asked in the beginning about the concerns of the advisory committee, and of course one of the tremendous concerns was what was happening to children in detention and shelter care.

There was one committee that did a study on detention and detention homes throughout California. That was a very good study, but the advisory committee on children and youth kept probing and finally another Rosenberg Foundation grant was obtained -- one of the largest of the grants for the study of shelter care and detention of juveniles in California. That began in '52 during Governor Warren's administration but it was not completed until '54. I have that study and I'm sure it's available. It made a broad range of investigations and recommendations, not only in regard to conditions in juvenile halls and places where children were received -- and jails,

MacGregor: because unfortunately, even today, some of the youthful offenders have to be put in jails for one reason or another -- but it also included in its recommendations protective services for children whose parents were not handling them with proper care. It was prophesied then that many children would be saved from shelter care if their parents could receive the proper case work and help in handling the children in their own home.

This is an illustration of the long range work that is done. This work began in 1948 in youth conferences. And so it has gone on, and it was only in 1967 that legislation was passed requiring counties to set up protective services for children and then with "all deliberate speed." There was a postponed date when they had to act. So this shows how, over the years, the work started by the governor's advisory committee is still bearing fruit.

Now, this publication [referring to the study] contains fascinating material that lifts the standards of care in juvenile halls and shelter care facilities, but it was recognized that we needed to get people concerned about the problems on a broader basis and so in December of 1954 this report was studied at an implementation conference.* Mr. Warren was in Washington by this time, but nevertheless, it is a direct outgrowth of the work started by the governor's advisory committee and the Youth Authority under Governor Warren. I think we are justified in taking credit for some of the long range results of the committee's work. Also, another result of these earlier studies was the establishment of the juvenile hall consultant in the Youth Authority, so far as jails were concerned, a jail consultant in the Department of Corrections, under the State Board of Corrections.

Hogan: Well, does Mr. Warren's interest in this go back to

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*Juvenile Detention in California, Ruth S. Tolman and Ralph G. Wales, 1946. In Earl Warren Archive.

Hogan: his district attorney days? You were working with him then. Did you have any indication then that he might be concerned about what was happening to young offenders?

MacGregor: Yes. You asked me before about the coordinating committee in Alameda County. People were working on this type of problem in Alameda County. Earl Warren was very much concerned about the juvenile probation department and the operation of the juvenile court and about conditions affecting children and youth.

Hogan: But he was not in a position then to do anything about it.

MacGregor: I'm not sure what he may have done but I don't remember being involved in that myself, except that I used to attend meetings of the coordinating committee.

Hogan: What was the full title of that? Was it just "coordinating committee?"

MacGregor: I don't remember.

Hogan: And it was an Alameda County committee?

MacGregor: Yes. Referring back to the advisory committee, on the very first Youth in Wartime Committee, he appointed Frank Ogden who was the juvenile court judge in Alameda County, as vice-chairman.* Frank has been dead for some years. His successor, Judge A. T. Shine, was a member of the committee.

Hogan: He was also Alameda County?

MacGregor: Yes.

Hogan: And how long did you serve on this committee yourself?

MacGregor: I served on this committee from 1959 to the present time.

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*Ogden had been a deputy district attorney under Warren.

Hogan: You're still on it.

MacGregor: Yes.

Hogan: And it looks as though it's an on-going concern under the present administration. What's your prediction for the future?

MacGregor: I'm not a prophesier, but there is no indication that the committee will cease to exist.

Hogan: Would you say that the problems have changed in this period?

MacGregor: Many of them are still with us, but I'd say that the prevalance of drugs today and changing social values, for which there are subcommittees at the present time, were not recognized concerns at that time. There was always the problem of heroin use, but that was exceptional and it didn't extend to many young people, so far as I can remember. (Although, when I was on the Youth Authority Board, we had a number of boys and girls who had used heroin and had come to us for that or other reasons.)

Hogan: From all areas of the state?

MacGregor: Mostly, as I recall, from Southern California.

Hogan: I was surprised in looking over clippings on early days of the district attorney's office that they had some cases of drug use among young people. But, of course, there weren't the number of stories that there are in the newspapers today.

MacGregor: And there wasn't the widespread use of marijuana and there wasn't the "youth rebellion" and the defiance, the element of defiance, in the use of marijuana. I guess that was a good deal of the use of alcohol during the Prohibition days.

Hogan: Things like the transient youth are still a problem today, too, right? The runaways, certainly.

MacGregor: Well, one of the outcomes of the transient youth study which I didn't mention was the interstate compact on juveniles. It's a compact among the

MacGregor: states for cooperation in the return of run-aways. Mr. Stark is the authority on that story. I don't think that came into existence during Governor Warren's administration. Most of the states, if not all, have ratified it. And the Youth Authority has one or more men working full time on this.

Hogan: Helen, I wanted to ask you if there were any changes in the committee, either in its composition or its direction, when the titles were changed under the various reorganizations.

MacGregor: I don't believe so. When Governor Warren was governor, he appointed people and reappointed them, usually, with some people dropping off and some new people coming in each year, but with a core of experienced people. For instance, Mrs. P. D. Bevil of Sacramento, and Dr. Charlotte Elmott of Santa Barbara were on for at least ten years. Dr. Elmott was chairman of the subcommittees planning the conferences on children and youth from the first conference and, I believe, as long as Governor Warren remained in office.

Hogan: So, there was continuity both in the staff and in the committee itself.

Migrant Families

MacGregor: And continuity in interest. You asked me if there was anything else that I wanted to talk about, and there is. Namely, Governor Warren's concern about migrant families and their children, the actual laborers. This was specifically a concern of the advisory committee and has remained so.

He knew that the conditions of agricultural workers were tragic and he appointed an investigative committee which was not a committee of the advisory committee. It was a separate committee on which some of the members of the advisory committee served and I believe Dr. Coke was chairman of it. It came out with a report called "Agricultural Labor in the San Joaquin Valley, Final

MacGregor: Report and Recommendations. By the Governor's Committee to Survey Agricultural Labor Resources of the San Joaquin Valley."

That I know I have transferred to the Earl Warren Legal Center at UC. The appointment of this committee, as nearly as I can recall, was stimulated by some horrifying reports on deaths from infant diarrhea.

Hogan: In the migrant labor camps?

MacGregor: Yes. Well this was picked up, if not started, by the advisory committee on youth. For years the committee has had a subcommittee on the children of migrant families or migratory families in California. There has been a series of conferences on families who follow the crops. Of course, in all these subjects of interest, it hasn't been just the advisory committee, but other organizations pick things up. Here in 1955, Fresno published a booklet on teaching children who move with the crops. Teaching them is very difficult. This is really a beautiful document. I often think that it could very well be used by our metropolitan schools which have a high turnover among their children. Some schools in Oakland have had a one hundred percent turnover. That doesn't mean that all of the children left, but that there would be such turnover that it would amount to one hundred percent in numbers.

This publication was an outgrowth directly of the work of the Fresno schools but indirectly of the governor's advisory committee and its work in calling conferences. Again, as with the workshops, a large number of interested groups cosponsored the conferences. Mrs. Hubert Wykoff, of Watsonville, was the chairman who enlisted the diverse group of sponsors. But that's a story that goes beyond Governor Warren's administration.

Hogan: Yes. This all carries on. Actually, of course, the problem of migratory workers came before Governor Warren's administration.

MacGregor: Oh, yes. But here's an interesting sidelight. When he was district attorney, there were riots in the lettuce picking fields in Imperial County. At that time there were extensive pea growing farms in Alameda County, and so, in anticipation of possible trouble, he organized a group to go out into the fields and see that proper preparation was made for the migratory laborers before they came in and during the time of the pea picking. He had men from his investigative staff acting as what we would now call "ombudsmen."

Hogan: Some of these clippings mention various committees that he was on, but it is hard to tell whether he was only on them because it was a placement of the office, or whether he was really concerned about them. I noticed that he had been on the adoptions committee at one point.

Adoptions

MacGregor: That reminds me that adoptions, almost from the beginning, the juvenile court system, and detention were concerns of the youth committee. We've had many subcommittees over the years on adoptions and recommended legislation which has been adopted. There were the statewide committees on adoption that were set up -- not by the youth committee, but related to it because of our relationship, staff-wise, with the Department of Social Welfare.

As I think of this in retrospect, I see the interlocking relationships. Projects might be started by the various departments, youth committee, or the governor's office. It's hard to say who is responsible for what in some areas.

Hogan: This problem of education of migratory workers' children has never really been solved in California history.

MacGregor: No, and I doubt that it can be solved in the sense

MacGregor: of really setting up a good education program so long as they are transient. There has been an increasing development whereby migratory laborers build modest homes in one community; then their children can spend most of their school year there. The Friends Service Committee has done tremendous work in teaching ways of building inexpensive homes. And, at some of these conferences on migrants, it has been very interesting to see people who have been migratory workers and have subsequently become settled citizens in one community.

Hogan: Well, Helen, I've run out of questions.

MacGregor: Well, I guess I've run out of stories. [Laughter]

Hogan: Let us end on that note, then!

Date of Interview: June 17, 1971 Interviewers were Amelia Fry and Gaby Morris. Throughout the interview, Miss MacGregor refers to a list of questions prepared by Mss. Fry and Morris.

VII OTHER STATE GOVERNMENT MATTERS

Myrtle Williams and the Department of Social Welfare

Fry: Who should we talk to about the Myrtle Williams episode in the Department of Social Welfare?

MacGregor: Lucile Kennedy was there before and after that time. Lucile Kennedy was in charge of most of the programs relating to children when Governor Warren took office, and I was very eager to know about those welfare programs. The welfare programs, even in those days, included both money grants and services. And so I called Lucille one day and told her that I wanted to get a clearer understanding of what they did on behalf of children. She came over and gave me a briefing of the various laws and services. That became very important to me, because I was the governor's liaison to the Governor's Advisory Committee on Children and Youth. I've already discussed that.

Lucile was, up to the time of her retirement, the staff representative of the Department of Social Welfare to the governor's advisory committee. So I had that long and continuous relationship and friendship with Lucille.

Fry: What does this mean that she did, as staff representative?

MacGregor: Well, she attended all meetings of the governor's advisory committee, and did the feedback from the department to the advisory committee, and the advisory committee to the department.

Fry: So she was kind of the liaison. Should we ask her about the role of the advisory committee and this Myrtle Williams case?

MacGregor: No, the advisory committee had practically nothing, if anything, to do with the Myrtle Williams transition.

Fry: It did exist then, though?

MacGregor: Oh yes. The advisory committee existed from November, '43, when it was initiated as the Youth in Wartime Committee. You have that from the previous taping. I think I gave most of my recollections.

Fry: Why wasn't it involved in the Myrtle Williams thing?

MacGregor: Well, things just sort of went along. We were advisory to the governor, and there was no point in trying to advise Myrtle Williams.

Morris: The Myrtle Williams episode came from outside the government, as a citizen campaign?

MacGregor: She was named as the director in an intiative measure in regard to social welfare.

Morris: Were you aware in the governor's office that this initiative measure was being circulated and that this pressure was building up from -- what part of the community?

MacGregor: Oh yes. I think it was mostly from Southern California.

Morris: And there was no way to stop it?

MacGregor: Oh, no!

Fry: That's an interesting comment that there was no point in advising Myrtle Williams. Can you explain that any more? I have the feeling that --

MacGregor: I think that's just a fact. [Laughter]

Fry: Well, I mean, while she was in office. I felt from I guess something that Judge Wollenberg had told us that she did not relate necessarily to the state echelon.

MacGregor: I have no recollection of her doing so. But Lucile Kennedy can give you that material.

Now there was an interesting episode -- it doesn't have historical, but I think it has human, significance. Every time the legislature was in session, Mrs. Warren would give a tea for the wives of the legislators. She would invite the women appointees of the governor and also the women relatives of former governors. The wives of the staff secretaries and I would be her assistants at these teas, which were quite impressive affairs. When Mrs. Williams was director there was no question but what she would be invited, and she accepted.

Mrs. Warren asked me to take her under my wing and make sure that she met people and had a pleasant time at the tea. I have no particular recollection of the episode except that it went off smoothly, and I think she was made to feel at home, socially.

Fry: That's interesting that Mrs. Warren wanted to be especially sure that Mrs. Williams had a good time at the tea.

MacGregor: Mrs. Warren was infinitely kind and considerate of feelings in any event that she was responsible for.

Morris: Had Mrs. Williams been in state service in social work?

MacGregor: Not in the state structure. I don't know what she may have been in Southern California. I don't have that information.

On this list of names you wrote me about -- I had no contact that I can recall with Louis Heilbrun.

Fry: We thought maybe he was in the attorney general's office, before he went to the State Relief Administration.

MacGregor: I don't remember him. The name is familiar, but that's all. Is Roy Simpson still alive?

Fry: Yes, I think so. At least we hope to interview him. Were you liaison with Education?

MacGregor: Yes, I was, but I don't have the strong relationship and recollection that I have with some other departments.

Fry: We thought you might be able to tell us something about Roy Simpson and how he was appointed. He was appointed I think in '45. His first race was against Dewey Anderson in '46. Does that ring any bells?

MacGregor: Well, I know it happened, but I was so involved in the governor's race in 1946 that I didn't pay too much attention.

Warren's 1946 Campaign

Fry: Have you talked about the governor's race in '46? That's something we might want to go into.

Morris: Yes. We didn't really talk about any of the campaigns in the other interviews.

MacGregor: I have more or less steered clear of discussing the campaigns, because I never was in a leading role in the campaigns.

Fry: We talked some on the phone yesterday about it. In '46 the main thing is the story of the primaries. Because there's no story on the election? I just wonder if you knew anything about the developing support in both the Democratic -- especially in the Democratic party. He might have been a good Democratic leader.

MacGregor: Pop Small could give you some leads, although he wasn't in the governor's office at that time, but he was covering the governor's office. My work in that campaign, was mostly in regard to the correspondence that flooded in -- keeping people thanked. And getting messages back and forth.

Fry: Oh, now let's see. I guess we did pick up the little tidbit about the organization of each locality in the state. There was a kind of a loose, not necessarily centrally directed, organization, so that you had a little campaign committee in almost every location. Is that your impression?

MacGregor: Yes.

Fry: Could you evaluate the type of response and the numbers of volunteers? Was it good, or middle, or bad?

MacGregor: I think it was very good. People had developed such appreciation and faith in Earl Warren, and in his nonpartisan approach in dealing with state problems, that my recollection is that the support was very spontaneous. (And I can remember even back in the days when he was district attorney and running for attorney general, the number of campaign contributions that would come in without any solicitations. Not in great amounts, maybe $5, $10. I remember dear Dr. Robert Peers. He always sent $100 at the beginning of each campaign.)

Fry: Well, then if we were to draw a picture of the bipartisan campaign structures in the 1946 primary, the Democrats and Republicans would come together at what point? Right down here on the ground, at the bottom of the pyramid in which the basic local organizations existed, or did they combine further up in the state committees?

MacGregor: I think there usually was a Democratic committee for Earl Warren. And I think that was true in the local communities as well as the state, north and south.

Fry: This would be an interesting question if we ever talk to someone in a local one to see if the Democrats and Republicans were working together on an "a-partisan" basis, in Kern County for instance, or something like that.

MacGregor: I just don't know.

Fry: At any rate, he sure swept it clean in the primaries!

MacGregor: I was high for weeks! [Laughter] To think that we didn't have to go through another campaign in November!

Fry: Do you remember the day after the primary elections in the office? Could you describe the mood of the office?

MacGregor: It was very, very happy, but I don't remember any special celebration or anything like that.

Fry: It must have been --

Morris: You said that correspondence came flooding in. Was this people offering to work on the campaign?

MacGregor: Yes, and then we'd get letters from our friends, "so and so is working hard; a little note from the governor would probably cheer him up and make him more active." That sort of thing.

Fry: I was reading an interesting anecdote in Theodore White's Making of a President along this line, and I wondered at the time if it had happened in the Warren campaign: Some place in Massachusetts, I think it was an area in Boston perhaps -- they had so many volunteers just overwhelm the headquarters asking for things to do, that they were really hard put to use these people, and yet Kennedy felt that it was terribly important to not ever turn anybody down. That they'd actually run out of tasks for people to do, and so they got the bright idea, "well, why don't we take everyone that comes in now and set them to work writing thank you letters to the volunteers who have already done something?" And they kept this going as a

Fry: kind of a cycle, and managed to use everybody's time that way, so that everyone would feel a part of a campaign. I wondered if this had ever been a problem in the Earl Warren campaigns?

MacGregor: I don't remember that it was. It was always a problem to keep people thanked, and give them the recognition that was due to them.

But most of the work for Earl Warren, whether it was Republican or the Democratic party, was spontaneous, because people valued the kind of government that he had organized for the state, and his leadership.

Fry: And you didn't have this problem that sometimes comes with spontaneous volunteers --

MacGregor: Well, that would happen in the local communities, and I just didn't have enough contact with the local communities to know --

Fry: You handled the letters that came directly to the governor's office? Is that right? They didn't channel letters to local headquarters up to you?

MacGregor: Oh, no. Only those that came to the governor's office. Very few critical letters. Mostly offering suggestions or complimenting him, assuring him of support.

Morris: Would you have worked with Verne Scoggins on this kind of thing?

MacGregor: Well, Verne and I worked back and forth.

Morris: In other words, if you had a question about how to answer a letter, would you go to Verne?

MacGregor: To Bill Sweigert, or Verne. We didn't write elaborate letters. The letters were very simple. If it involved policy of the campaign, I wouldn't handle it. I'd turn it over to Verne or Bill.

Fry: Everybody got answered?

MacGregor: We tried to. I won't say that they did! I would

MacGregor: do this in my overtime, and then the campaign committee would employ typists or stenographers to take the work.

Fry: Yes. To keep the payroll separate.

MacGregor: Yes.

Department of Education

MacGregor: I was trying to think how Roy Simpson was appointed, and I'm not clear. I think the governor had a committee to recommend him.

Fry: I think this question came up -- Gaby, did this question come up because we couldn't find the committee?

Morris: It came up incidentally in another interview. Somebody was telling us that Warren appointed Simpson, because he was looking for a Republican who would be electable. Superintendent of Public Instruction is kind of different from the other department heads, in that --

Fry: It needs more continuity.

Morris: Well, and also it's an elected position.

Fry: Yes, by the people.

Morris: The Department of Education is an executive function, like Public Health or Corrections, but the chief is elected. This was just the comment that Warren was looking for an electable noncontroversial Republican, and settled on Simpson because Simpson was from Southern California, and as I recall the issue at that time was progressive schools -- they were under some question, and Simpson was considered to be not in favor of progressive education. This being the mid-forties.

MacGregor: Well, my memory is not worth a cent on that.

Fry: When we talk to Simpson, I just wonder what -- any particular issues were then. Were there any textbook problems?

MacGregor: Well, textbooks have always been a problem. Whether or not they should be published by the state printer, or by independent publishers bidding for different productions.

Fry: They were already being published by the state printer when Warren came in as governor, weren't they?

MacGregor: Yes. I think they were published by the state printer all through the Warren administration.

Morris: The content of the textbooks was the issue --

MacGregor: Well, there was some issue in that in the late forties. There was trouble because some of the textbooks were slanted toward Russian communism.

Fry: These were what?

MacGregor: Social studies.

Fry: These were selected by --

MacGregor: There was a curriculum commission. I wasn't involved in this, so I don't recall. I'll tell you who would know more about this, Mildred Hale, who was on the State Board of Education. You have already interviewed her. Did she discuss this?

Morris: Just one short interview, kind of the beginnings. Was there not as much need for liaison between the governor's office and Education as some other departments?

MacGregor: I don't know. I just am not clear. I don't seem to remember any very important things that I worked on in that.

Fry: It must have just kind of rolled on, under Roy Simpson, in a relatively noncontroversial way.

MacGregor: One thing that I want to tape is related to education and public health, and that is the report that was jointly done by Dr. Dexter and Dr. Halverson on cerebral palsy.

Fry: Oh yes. That's down there on the list. Good.

MacGregor: Prior to this report it was believed that the cerebral palsied were mentally deficient and they were treated as such, but Dr. Bridgman, the psychologist, developed a series of tests which measured the intelligence which weren't dependent on physical response.* Now, I don't know what these tests were, but by these tests it was possible to differentiate between the mentally retarded cerebral palsied and the mentally normal cerebral palsied. That report was the beginning of the school program, the Hassler House Residential Diagnostic Treatment Center in San Mateo County, which was run by the Department of Education, and one in the south.

Of course, it also was involved with the program for the handicapped and the Department of Public Health. I remember Dr. Halverson coming into my office with a copy of that report and saying, "This is important. It will be the foundation for progressive treatment for the cerebral palsied.

Fry: Now according to my notes this happened rather early. The report was 1943.

MacGregor: That's undoubtedly correct. The report was directed to be made by the legislature, and so that would have been the legislature previous to 1943, and then there was legislation in behalf of the education of the cerebral palsied. I don't know what year that was. Probably 1945, because we had the biennial sessions of the legislature. And then this little center for diagnosis was set up down in San Mateo County.

Morris: You called it the Hassler House. Wasn't there a Hassler who was director of finance?

MacGregor: Yes. Jack Hassler was Governor Warren's first director of finance.

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*A 1970 interview with Dr. Olga Bridgman is on file in the Regional Oral History Office.

Morris: That's right. Is this the same Hassler?

MacGregor: I don't know. I believe so. Of course it's not a very uncommon name, but this was known as Hassler House, before it was turned over to this. I think it was used by the San Francisco Health Department for some special purpose.

Finance and Budget

Morris: We don't have much on Mr. Hassler as director of finance.

MacGregor: He wasn't director for very long. He had been city manager of Oakland, and had a lot of experience in local government. He came up to be director of finance, and Jimmy Dean, James S. Dean, was his assistant. I don't know how long Jack was director, but it wasn't very long and then Mr. Dean was advanced to director.

Morris: It was Mr. Hassler who commented that it was extremely difficult to take over finance and try to develop a budget from the statistics of a previous administration. I gathered that there were some questions of each other's figures between Olson and Warren.

MacGregor: I don't know about that, but I do remember while we were still in the attorney general's office, but after the election, the then director of finance had his secretary call me and say that they would give every assistance to Earl Warren and his staff in working on the budget.

Morris: Because the new governor would have had to come in with the budget within a month after he took office?

MacGregor: Cold. Yes, it was very shortly after that. So I imagine that Jack Hassler probably went up with Earl Warren to confer on the budget. But of course,

MacGregor: while that was a very courteous gesture, it couldn't be very effective because you needed to be in the driver's seat in order to evaluate and set up a budget, and budgets were very tight at that time because of the war, and we had just emerged or were emerging from the depression. I'm sure that Mr. Hassler found it very difficult to work on the budget.

Morris: And they had to set one up for a two-year period.

MacGregor: Yes. That was still the two-year budget.

Fry: Anyway, your point is that he and Earl Warren were probably on very good terms.

MacGregor: Oh yes. They were. Mr. Dean on the other hand, had been city manager in Sacramento, and was a very popular man in Sacramento. He became a very able director of finance and he and Governor Warren became close friends.

Fry: So, Warren had good relations with both of them.

Gaby's about to begin interviewing people in finance and budget and things like that. So she may want some advice on all that.

MacGregor: Fred Links was the top civil service man in the Department of Finance.

Morris: Might he still be in the Department of Finance?

MacGregor: No, he's not. He's retired.

Morris: It's fascinating to try and decide which were the really important currents in financial policy.

MacGregor: I'll say this about some of the men who are no longer here, that one of the struggles that a department head would have was with the decision-making that was done by intermediate staff in the Department of Finance. Sometimes they would, as a last resort, have to turn to the governor to bring the director of finance in to lay down the law to his subordinates. But it was very irksome, and I guess it always has been and always will be, to professional people to have their budgets determined

MacGregor: by fiscal people who really don't understand the priorities in the department.

Morris: Operating a program.

MacGregor: Yes. Particularly a therapeutic program. This was especially irksome in Public Health and the Youth Authority, Social Welfare, and Mental Hygiene.

Morris: Is this one of the reasons that the legislature set up the office of legislative analyst?

MacGregor: It could be, but I can't give any --

Morris: I get some sense that the Department of Finance and the legislative analyst are studying and making recommendations on the same subjects, constantly.

MacGregor: They are. But the legislative analyst is sort of a check and balance in behalf of the legislature to get an independent judgment from that of the governor and the Department of Finance.

[Interruption for coffee]

Fry: We were talking about finance when we stopped, and Fred Links and the middle echelon in the Department of Finance. Is there anything else that we should know about that --

MacGregor: I think I'll be frank and tell you that the middle echelon in the various departments had formed a -- well, I don't know exactly -- an understanding -- that they would make the policy for their departments. That governors never lasted more than four years, and they had outlasted not only Governor Olson but Governor Merriam, and, let's see, who preceded --

Fry: Young, Richardson --

MacGregor: There was the tradition that the governor only lasted four years. So it was quite a shock to these people when Earl Warren was reelected in 1946 and he and his appointees were to continue in control.

Fry: When you said this was an understanding, you mean an understanding between them that was accepted by the director of finance --

MacGregor: Oh no. No.

Fry: Or just among themselves?

MacGregor: It was among themselves. Keeping the policies in status quo, rather than whole-heartedly supporting the philosophy of the incoming governor.

Morris: Could you give us an example of a place where they may have come headon with policy from the governor's office?

MacGregor: No, I can't. Except that it was just a roadblock that the various department heads had to contend with.

Fry: So when we're asking questions of various department heads, and people in the departments this is one we should include.

MacGregor: How did they work with the existing civil servants?

Fry: In the Department of Finance. Yes.

MacGregor: And in their own departments. In getting the budget provisions.

Fry: Now, these people couldn't be removed could they? So the heads of the departments had to find ways of convincing them or consoling them or working with them, or something, bringing them around.

Civil Service

Morris: In reading the Examiner files, back in the forties, there was a point when this issue of what do you do about the civil servants that you feel should not be in this job arose -- the paper reported that there were provisions to request the resignation of a civil servant.

MacGregor: It isn't really requesting the resignation of a

MacGregor: person with civil service status. There has to be a hearing.

Morris: But there was a provision --

MacGregor: Oh, yes. There always has been provision for removing a person who has a civil service position, it's possible, but it's both unpleasant and difficult.

Fry: It would be hard to have a good complaint. This was not malfeasance in office. This was just a dedication to status quo and a resistance to change.

Morris: The articles I read were about the franchise tax office -- there was some question of malfeasance, and this whole issue of how do you cope with a civil servant came up. There had been echoes of it in legislative --

MacGregor: Well, speaking of civil service, I should say that on the whole the state people selected by civil service procedures have been excellent. They've been devoted to the state. They've been competent, and well-trained, well-selected. It amazed me that civil service managed to get such good people through a process of examination which I have a good deal of skepticism about.

Fry: And devoted. A lot of them.

MacGregor: And devoted. So when I speak about this resistance -- or perhaps it's better to say adherence to the status quo, resistance to change, it doesn't imply any incompetence.

Fry: You ran into this when department heads would come into you with problems, right, so that you became a gathering place for --

MacGregor: Well, they'd come in and talk to me about it, and the question would be, "Do we need to bother the governor, or can we work it out some other way?" And we'd just talk it over. And if it was something where they felt a principle of their administration

MacGregor: was involved, they would ask to see the governor, and he'd call in the director of finance and maybe some of his staff, and they'd work it out.

Fry: We were going over some notes yesterday and I noticed that Ford Chatters was on the Personnel Board for quite a while.

MacGregor: Ford Chatters and Emery Olson, and then one that Earl Warren was very fond of was Ralph Cowing who died during the administration. He'd been an assistant attorney general.

Fry: When Warren was attorney general?

MacGregor: Yes.

Fry: I was wondering if the Personnel Board, Ford Chatters particularly, could comment on this whole problem of how you can remove or safeguard the position of a high-ranking civil servant?

MacGregor: Yes, Ford Chatters would have a good deal to say about this.

I should say from the standpoint of the governor's office that the civil service procedures were sacred.

Morris: Outside of politics?

MacGregor: Outside of politics, outside of the governor's office. That we never intervened in any way in the selection of civil servants. The governor would have fired any one of us who had suggested that somebody be given a break in an examination. He was dedicated to the integrity of civil servants.

Fry: One of our interviewees who happens to be black was talking about his problems not with state civil service but with a county personnel committee, which administered tests and then interviewed applicants and placed them in jobs. He had passed four or five different tests, and then during the interview they'd ask him unrelated questions to

Fry: his field, which was medicine and pharmacy, and he would flunk every time. He finally had to get another person to come in on his behalf. This brought up the whole question to me, if on the state level there was ever any effort made to be sure that the different races got equal treatment in the forties.

It wasn't a conventional concern at the time, and I wondered if it had come up on a state level.

MacGregor: I don't remember that. There weren't very many colored people in government. There was Fred Roberts in the legislature, and there was a woman attorney in the legislative counsel's office, and then of course Governor Warren appointed Walter Gordon, first to the Board of Prison Terms and Paroles and then, when the Department of Corrections was reorganized, to the Adult Authority. He appointed one or two Negro judges. But there weren't very many Negroes at that time who were qualified for high position who had come to the governor's attention.

Fry: Much fewer to get through college at that time too.

MacGregor: Yes you have to realize the change that's come about in recent years in giving the people of minority races an opportunity to get the education which permits them to advance.

Fry: Helen, it just struck me, on our list of questions, there's a minority problems commission. Is that related to what we're talking about?

MacGregor: It probably is, but I've forgotten about it.

Fry: It was an attempt I think that didn't come off. Gaby, I think you know more about this.

Morris: I came across a couple of notes. Warren proposed fair employment practices legislation in '45 and '47, but it didn't pass either time.

Fry: Was this commission part of the legislation?

Morris: I don't recall.

Fry: The way it's worded here I thought maybe it was part of planning, employment planning or something like that.

Morris: I don't know.

Fry: Well, okay. So none of us know anything about it!

You said there was a black woman attorney in what office?

MacGregor: In the legislative counsel's office. Her name I think was Virginia Stephens. She has another name now. I happened to notice a report on Queens' Bench notes, that Virginia -- and they gave her present name -- had been a guest, or had been down from Sacramento, so I guess she's still in the legislative counsel's office. I'm sure of her first name and of her maiden name.

[Refers to list of questions.] You asked about educational TV. When TV became a popular instrument, the governor called a conference on educational uses of TV. That was one of his state conferences, well along in his administration, because TV wasn't in general use until after 1948.

Now, about Burdette Daniels. I'd like to give something about him.

Burdette Daniels, Legislative Secretary

MacGregor: Burdette Daniels was a member of the governor's staff in Los Angeles when he was attorney general. I don't remember what Burdette did in that role, but he was a very able attorney, and a very lovable person. We all became very close friends. When the office of legislative secretary became vacant sometime -- probably in 1944, he became legislative secretary.

MacGregor: Now I don't know if I've ever given you the story -- this is a digression, but important in this connection. When Earl Warren became governor he invited a leading Democrat from a leading Democratic family to be his legislative secretary, by way of demonstration of his nonpartisanship. That was Lawrence Carr.

Lawrence was only there for a few months. He was called to active duty in the Navy, and Earl Warren turned to his old friend Richard Chamberlain in the district attorney's office, and borrowed him from Ralph Hoyt, who was district attorney, for the remainder of that legislative session, so Dick was there with us for several months, and did an excellent job.

Now I don't remember how long the session lasted in '43, but it became necessary to appoint someone on a permanent basis, and the governor brought Burdette Daniels from Los Angeles and appointed him as his legislative secretary.

Burdette was doing the groundwork for the reform of the Department of Corrections, or for the reform of the correctional process, and then when Earl Warren set up the committee to investigate the prison system, he made Burdette a member. So he carried that on to spectacular, swift and successful conclusion, when the legislature met in special session in January of 1944.

Now, I'm not clear as to how long Burdette remained in the office. I think he wanted to go back to Los Angeles to be in private practice with his brother, Earl Daniels, but when the crime commissions were initiated, he was asked by the governor to serve as chairman of the Commission on Adult Corrections and Release Procedures. It was the commission which studied the input of criminal cases in to police departments and to courts. And as far as I know, that was the first instance where there was documentation of the tremendous volume of work imposed by drunkenness and alcoholism. And, of course, as you know, we're still struggling with that problem.

Fry: Who would be a good person to talk with about this? We would like to interview somebody who worked with the alcoholic program for the Department

Fry: of Mental Hygiene, and if it were also someone who could talk about the impact as far as legal and court process --

MacGregor: I think you must have the report of that crime commission.

Fry: Well, we have a lot of the reports.

MacGregor: Frank Cane did the staff work for all the commissions except organized crime. Burdette's commission was adult correctional procedures. He was a fine lawyer, and a most engaging personality. We all loved Burdette.

Morris: Was his brother a twin by any chance?

MacGregor: Oh no, he was much older. Your question on health insurance -- I think that the person who can give most on that you've already interviewed, and that's Judge Wollenberg.

Fry: We haven't really talked to him in detail about that.

Health Insurance Efforts

MacGregor: The governor over the years was developing the concept of the tremendous hardship that was inflicted on people in very modest circumstances by serious illness, and also the poor health that was endured by people who couldn't get medical service. And so he came out with the proposal for compulsory health insurance, and fur began to fly.

Morris: Would this be a thing that Dr. Halverson might have talked with Warren about, or had some ideas about?

MacGregor: Of course they worked it out together, I think.

Fry: Was this a part of Public Health?

MacGregor: No, it wasn't to be part of Public Health. I think the proposal contained a recommendation for administrative structure, and the great horror was that it was "socialized medicine," and that the doctors would be in the pay of the state -- and that was never Earl Warren's recommendation. It was that insurance would provide the money for services, and that they would engage their own physicians and make their own hospital selection. And I think there was also provision for utilizing existing health insurance programs.

Morris: This was one of the proposals that came up after the first one was turned down, if I remember correctly. An employer who provided health insurance through a private policy would not have to contribute to the state fund.

MacGregor: Well, I don't remember that detail. But I think from the very beginning it provided that if a health insurance program was in existence and available, and I think Blue Cross was in existence at that time --

Morris: It was. It had been started about 1938.

MacGregor: So I think that's about all I can tell you about --

Morris: If the plan did not include the state hiring doctors to provide medical service, why didn't somebody issue press releases or the governor go into more detail?

MacGregor: Well, he did! My goodness.

Morris: And the papers did not --

MacGregor: Well, I think the statements were published all right. I think the governor in his reports to the people, covered this.

Morris: This was radio?

MacGregor: Yes. But the doctors -- some of the doctors supported it. And you know, the ironic thing was that the California Medical Association had recommended

MacGregor: some similar program several years before, but then when it came to the governor's recommending it, they backed down.

Fry: And the doctors had more of their bills being paid then, by their patients, than they had before, during the depression! [Laughter]

Morris: Did Warren, while he was developing this piece of legislation, do any pulse-taking of doctors?

Fry: [Laughing] Wait a minute. Would you like to change that metaphor?

Morris: Well, we've talked before about Warren's many contacts throughout the state, and the fact that he usually consulted with people he knew around the state. Did he do this with doctors on health insurance?

MacGregor: Well, I have a picture of him and Dr. Halverson at the bedside of Dr. Philip Gilman. And, I think the purpose of that trip to the hospital was to discuss this health insurance program.

Morris: Poor Dr. Gilman!

MacGregor: Yes. He didn't live very long after that.

Dr. Shepard of Metropolitan Life Insurance was very active in a number of public health issues. And I think that he was supportive. Then I remember dear Dr. Harold Fletcher supported him. And, oh, Dr. Fletcher got a great deal of criticism from his medical --

Morris: Where was Dr. Fletcher?

MacGregor: An eye, ear, nose and throat man in San Francisco, and a close personal friend of Earl Warren's.

Fry: What about any kind of a poll among the doctors or anything like that?

MacGregor: I don't remember anything like that.

Fry: Well, I think there was some encouragement from CMA just before --

MacGregor: I think he conferred with Dr. Ray Lyman Wilbur. He had been president of CMA and the American Medical Association and he had been chairman of a five year national study of health care needs, in the depression years, which did recommend health insurance as a possible solution. I think Dr. Wilbur at that point was president of Stanford.

Fry: What was Warren's feeling about Wilbur's position at that time, do you know?

MacGregor: Well, I think he felt that Wilbur was supporting him, but I can't answer that. But I think he talked to him.

Fry: I understand that while he was district attorney at Alameda County Warren helped the doctors in drawing up group practice plans. I guess he had helped them work through the legal work and so forth, for group practice. Do you know anything about that Helen?

MacGregor: No.

Fry: It was an intriguing little background to this whole question of how Earl Warren's own philosphy on this developed. Because apparently he had been working closely with the doctors on this in a very practical way, way back when.

MacGregor: I don't have any recollection of that.

Fry: I think it must have been a personal community service of his, rather than something official.

VIII OBSERVATIONS ON OTHER MATTERS

The Supreme Court

MacGregor: [Refers to list of questions.] It was a coincidence that I was admitted to practice before the Supreme Court the same day that Brown vs. the Board of Education of Topeka was read by Earl Warren.

Fry: I don't think you've told us about it on tape.

MacGregor: This is just a bit of human interest background. I was going east to attend the National Conference of Social Welfare, and the National Association for Retarded Children. There were a few days between the two conferences. They were both in Atlantic City, and at that time I was a member of the Youth Authority Board, and very much interested in the problems of our mentally retarded wards who found their way to us.

So I got my records together to be admitted to practice before the Supreme Court on the Monday between the two conferences. I wrote to Margaret Bryan, secretary of the chief justice, and to Warren Olney, who was at that time in the U.S. Attorney General's office and asked if he would move my admission to practice.

It all worked out beautifully. It wasn't my idea, but I guess it must have been Margaret Bryan's idea, to keep it as a surprise to Earl Warren. So it was a surprise [laughing], because he said he would have liked to have given some

MacGregor: recognition to me, but he was so surprised that he forgot to give recognition to Warren Olney. Usually when the attorneys stepped up to make the motions for admission, he would acknowledge the attorney making the motion by name, but he didn't!

Mrs. Warren was there. She knew I was going to be admitted. I had spent the Saturday afternoon before with her in their apartment, and she hadn't mentioned it. She was in on the conspiracy! [Laughter] Well, as I stood in the line to sign the roll of attorneys, a man in back of me said, "You must know the chief justice. He sure gave you a double-take." [Laughter]

Margaret Bryan had a page or somebody come rushing up, telling me to hurry to get back into the Court. This person was to escort me back, so I went -- she knew of course that the school desegregation decision would be read that morning. So that's the story.

Fry: Can you describe to us now the reading of that decision?

MacGregor: It was read by the chief justice himself, and very -- you know the opinion. Of course, as soon as it was read, there was a great scurrying of reporters outside. I remember seeing some Negro attorneys, whom I did not know at that time, but Thurgood Marshall had been one of the attorneys who presented the case before the Supreme Court.

Fry: And what did they do?

MacGregor: Oh, all the attorneys were excited -- the newspaper people were rushing around, sort of a general atmosphere of jubilation on the part of the attorneys.

Morris: Did Warren declare a recess to give people a chance to talk about this?

MacGregor: I don't know. I don't know.

I think the Court adjourned after the reading of that opinion. There was a series of opinions; I think there were four.

Fry: I'm just trying to get at whether the people who were present there, like yourself, felt then that this was the historic decision that later it turned out to be.

MacGregor: I certainly felt that way. I don't know, there isn't much expression of emotion in the chambers of the Supreme Court!

Morris: Do people go particularly to hear a given decision?

MacGregor: No, because they don't know when the decision is coming down. Probably the attorneys are notified, the attorneys of record, of course would be notified.

Morris: So that there was no unusual number of people in the chambers at that point?

MacGregor: Well, the chambers were full.

Morris: Those of us who have never been to the Supreme Court can't quite visualize the setting and what the usual atmosphere is.

MacGregor: It's very quiet, very dignified. At the beginning of the calender, a group of lawyers is admitted on motions and then the Court goes into the calender. Of course, obviously, there were things that had gone before I came back into the courtroom, because there were a lot of people who had been admitted that day, and we stood in line to sign the roster of attorneys in another room.

Fry: All nine justices were there? Did any of them bat an eyelash or anything?

MacGregor: [Laughing] I don't know. They were unanimous, you know.

Fry: I wish you'd had a movie camera or videotape machine with you.

[In a videotape prepared by Brandeis University's living biographies program in 1972, Warren recalls the course of the Court's deliberations on this series of cases. Ed.]

Fry: That takes care of the story I guess. Oh! Now, question 14 I had kind of crossed out because I think that you did talk to us a little bit about the work with the women's organizations. But Gaby may have something to ask you about R. & R. and the education department's reorganization.

Morris: Yes. Several people that we've talked to have said that one of the major accomplishments of the Reconstruction and Reemployment Commission was the work they did on proposing changes in the Department of Education. This seemed to be because of Alexander Heron.

MacGregor: He had been director of finance at one time.

Morris: Yes. We had that on our ticket on him, but also before that he had been in the accounting and fiscal planning section of the Department of Education, and it's interesting that apparently his concern with education carred on. Is this a correct evaluation that the education recommendations were an important part of the R. & R. Commission's work?

MacGregor: I don't have any independent recollection of that.

Now, about women and children in industry. The governor appointed Rena Brewster of Los Angeles as head of the Division of Industrial Welfare. She was very much concerned in getting the best protective regulations for women and children. Hearings would be conducted.

Morris: Was this before the rules which have now been again discarded that women could only work so many hours --

MacGregor: That had been passed a long time ago, before Governor Warren took office.

Fry: Yes. As I understand it, through reading some annual reports of AFL/CIO, one of the issues along this time was the temporary suspension of some of these restrictions on women, during the war when women's labor was needed as part of the dwindling force.

MacGregor: Yes.

Fry: And then it was reinstituted later.

MacGregor: It's my recollection that the law wasn't abrogated, but there was procedure for granting exceptions to war industries. I think that's the way it was done.

Fry: It was enacted by the legislature?

MacGregor: It would permit the granting of exceptions. And then the child care centers were instituted. That was only on a temporary wartime basis, because it was contrary to the philosophy of most people that the employment of women with small children should be encouraged. They felt that the mothers should be in the home, and therefore the child care centers should only be used to meet emergencies.

Fry: Was this the kind of conventional majority attitude of the women at that time?

MacGregor: Oh yes. This was the official stand of the California Congress of Parents and Teachers. That's the only one that I feel sure about.

Morris: What happened to funding for the child care centers after the war?

MacGregor: It's my recollection that it never did lapse, that the need for women in industry continued, and there was a gradual change in philosophy. And of course now we've swung way over to requests for massive provision for child care to get women off welfare and to meet the realistic situation of what women are doing.

Fry: That's an interesting thing about the attitude of women --

MacGregor: I think Earl Warren felt that way, too, because of course Mrs. Warren was always at home in charge of the children.

Fry: She really was too, from what reports tell me.

Civil Defense and Citizen Fears

MacGregor: [Refers to list of questions.] I don't believe anybody ever thought there were Japanese planes over Sacramento.

Fry: I thought you had told me there were.

MacGregor: No. I'm pretty sure there were Japanese planes over San Francisco.

Fry: Well, Helen, what we wanted you to do was to try to describe the whole state of fear in California as read by the attorney general's office when Pearl Harbor was bombed, and the days and weeks immediately ensuing. Because that hasn't been described. And you were in kind of a nerve center.

MacGregor: Yes, we were certainly in the nerve center in the attorney general's office. Now, I'm not clear as to exactly what Earl Warren's official relationship was, because there was this hassle between him and Governor Olson. I'm unclear about --

Fry: Civil defense?

MacGregor: Civil defense. But certainly all law enforcement people and fire department people looked to him as attorney general for guidance on all civil defense matters. And this was even before Pearl Harbor.

I remember he used to have meetings with the fire chiefs, to work out plans for -- oh, I forget what you call it, but where one department is engaged in crisis situation, moving up forces from nearby departments.

Fry: Mutual aid.

MacGregor: Yes. I think that mutual aid concept was developed by both the chiefs of police and the chiefs of the fire departments before Pearl Harbor, because we knew what had happened in England during the blitz, and I think the patterns for wardens was developed. Because when Pearl Harbor happened, men and women had already been recruited, I'm pretty sure, to do just that sort of work. And the plans for black-outs, the plans for shrouding the windows with black, had been developed to some extent.

That swung into action pretty simply.

Fry: Who developed all this? Was this in the attorney general's office?

MacGregor: I think it was developed by the various agencies, the police and the fire departments under his leadership, as chief law officer of the state.

Morris: Would he have worked with Richard Graves on that? He worked with both Olson and Warren on civil defense.

MacGregor: He was also the executive officer of the League of California Cities.

Morris: He was uncomfortable with civil defense. I interviewed him a couple of months ago, and he felt that civil defense as an official set-up didn't work very efficiently, that in any case, when there was a real disaster, the military would move in. But as a graduate student at the university at Berkeley, he had done a study with Warren on criminal procedures, and apparently felt that Warren liked him and that they had had a good deal of conversation continuing on into the years in Sacramento.

MacGregor: His recollection would be much more accurate than mine.

Fry: But at any rate, your main point is that these procedures were --

MacGregor: The basis of them had already been organized. Now, the block warden part -- I don't know who had -- probably a good deal of this was spontaneous in the big cities --

Fry: Because we all knew about it, what was going on in London, for instance --

MacGregor: Yes. And how necessary it was. And I remember the day of Pearl Harbor. Mr. Warren called us around two o'clock in the afternoon and asked us to meet in the attorney general's office , to plan what we would do. The office for several days was run on a twenty-four hour shift basis. It was open and phone calls were coming in -- some of them sounded hysterical. There was some sabotage as I recall, but no major sabotage. But the sheriffs and the chiefs of police were calling in wanting to know what to do and how to do it, and that sort of thing.

Oscar Jahnsen was in charge of that phase of the office. He had been working with Mr. Warren on that. There was a great deal of fear throughout the state, as I mentioned before. At an early point, this west coast was declared a combat zone, and I can't give you the date, but it was very early in the war.

Morris: By Washington?

MacGregor: Yes. And then we had these episodes of the Japanese submarines shelling points along the coast.

Fry: You put that in the plural. Was there more than Santa Barbara?

MacGregor: I <u>think</u> there was.

Fry: Now, these instances then were reported to the attorney general's office, and that was where they were kept on record. Did you get calls from private citizens who were not in the police and block warden hookup?

MacGregor: I presume so. I didn't handle that. There was a good deal of hysteria.

Fry: Did you get a lot of calls that didn't amount to anything? I mean hysterical calls, not based on fact?

MacGregor: I don't know. I think those would have been handled by Oscar Jahnsen.

Fry: What did you do then? Did you try to check out sabotage to develop patterns of sabotage, or anything like that?

MacGregor: I think it was more a matter of being prepared for sabotage.

Fry: You mean, the efforts of the office were focussed on preparation for preventing sabotage?

MacGregor: Yes. It was a long time ago, you know.

Fry: I was just wondering what records exist on this in Sacramento in the attorney general's files.

MacGregor: I don't know. The files -- they destroy files

Fry: Yes. Well, maybe I'll just check and see. It would be sort of interesting, you know, to see a list of all of the things that happened, that came in right after Pearl Harbor, because this would be the main place I guess where we could find out.

MacGregor: I think that if you took the newspapers for two weeks after Pearl Harbor and looked through them, you would get at least an account of what did happen.

Fry Well, the newspapers might carry more unevaluated rumors perhaps than the records in the attorney general's office. What do you think?

MacGregor: Well, so far as the shelling -- then there was a report, I think of a carrier off in the Pacific. I think there was.

Fry: You know, it almost doesn't matter whether these things were really true or not, because the point was that it was a very real possibility, and it was almost logical to assume that they were true, and therefore, the wartime policies in civil defense and military defense were evolved anyway, whether or not these things were true.

MacGregor: We had many black-outs. Have you come across that?

Fry: Yes, I have read about black-outs.

MacGregor: We had <u>many</u> blackouts. I remember once when I was over in the attorney general's office, Bill Sweigert took me home that night, and I stayed -- I don't know how we got home, but I got to his house. It was impossible for me to get home.

Fry: How were the black-outs triggered?

MacGregor: There would be a report of unidentified planes, and when they'd be identified, the black-out would be cancelled. Of course, there were no street lights, nothing like that.

Morris: Regularly there were no street lights, or when a black-out was declared, they'd turn off the street lights?

MacGregor: I believe that the street lights were off most of the time, because there would be a glow in the sky from the lights of the city. Then there was a period when we had a brown-out, when some lights were permitted.

Fry: I sort of felt maybe that was for the whole war.

Morris: You spoke about getting home. I seem to recall something about shielding the top of automobile headlights or painting it over, so that you would just get a limited quantity of light that would go down on the road.

MacGregor: Yes. We would come across the bridge. I think the lights were shaded, in some way. But when an actual blackout was sounded we had to stop.

Fry: Oh, what a terrible place to be if you were scared of an enemy raid. The bridge is the last place in the whole world you'd want to be.

Well, Helen, in the sabotage that was reported, were you in a position to know at the time what some of the acts of sabotage were? And which country was suspected -- was it Japan or Germany?

MacGregor: As I recall, there wasn't much actual sabotage. There were raids on some of the Japanese places by local police, I think. I remember one in the Sacramento Valley, where a substantial cache of weapons was found.

Fry: In the Sacramento Valley?

MacGregor: Yes. We didn't know from one day to the next, when there would be a major Japanese attack. The coast was defenseless.

Morris: How about air force?

MacGregor: We had no air force. The air force had all been sent over to Pearl Harbor, and Hickam Field.*

Fry: You didn't have any at all?

MacGregor: That's my understanding, that there was a period there when all of our planes had been sent across the Pacific.

Fry: That was when you saw what you thought were the Japanese --

MacGregor: That was the second or third night of the war. And there were planes overhead in considerable number. Afterwards -- well, I felt at the time that they were Japanese planes, and later I learned that our planes had all gone and certainly it was not such a situation as would have been caused by commercial planes, private planes.

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*Confirmed in Stilwell: The American Experience in China, B. Tuchman, 1970.

Fry: How many would you guess were there?

MacGregor: Oh, I don't know. There was a roar of planes.

Morris: Was this at night?

MacGregor: Yes. I would say it was around eight or nine o'clock at night.

Fry: So you couldn't identify them by shape, but you could see their lights and hear them.

MacGregor: They didn't have any lights.

Fry: And was this investigated? What did they do? Just fly around and then go on?

MacGregor: I believe it was a reconnaisance flight.

Fry: Was this an assumption at that time? I mean, were you the only person who thought this, or were there a lot of other people?

MacGregor: I haven't the foggiest idea. I was talking to somebody who'd been in the office at that time; I think it was Evelyn Whelan and she said, "Oh yes, there were planes."

If Japan had followed up, and had had the strength to follow up on Pearl Harbor with an attack on this coast, we would have had a terrible time. Just like Hitler not being able really to attack England. But we were blessed by the fact that Japan didn't try.

Fry: That they turned around and went home after Pearl Harbor. It's amazing that that decision was made. I can understand it now that the Japanese side of the picture is available.

Well, we'd also like to get from you a picture of the operation of the attorney general's office.

Procedures and Staffing in the Attorney General's Office

MacGregor: There was so much going on in the attorney general's office. It's hard to know what to say.

Fry: That's such a big topic, Helen, we could leave it to another time if you want to.

I guess you knew that I was in the middle of interviewing Oakley, because you had called me about his heart attack. But we didn't get to talk at all about the attorney general's office.

MacGregor: Jim Oakley was part of our staff in the district attorney's office, and then, at some point, I don't think it was at the beginning, but Earl Warren asked him to come over and work in the attorney general's office. In both offices his work was on the civil side. Jim was a very quiet worker, effective, but never sought the spotlight. Then when Earl Warren became governor, the attorney general, Bob Kenny, knowing of the close relationship between Earl Warren and Jim Oakley, put Jim in charge of the Sacramento office of the attorney general.

Fry: Oh, I see.

MacGregor: So Jim was our on-the-spot legal advisor all the time that Bill Sweigert was the executive secretary. Then when the governor appointed Bill Sweigert to the judiciary, he asked Jim to come in and be the executive secretary.

Morris: Why did Warren appoint Sweigert to the judiciary in the middle of the term?

MacGregor: Because Bill wanted to be a judge.

Morris: He'd had enough time in the governor's office?

MacGregor: It was his ambition to be a judge.

Fry: Oh, I see. And Warren knew this.

MacGregor: Oh yes. We never kept our ambitions [laughing] from the governor.

Fry: Well, why didn't he wait? Because Warren was still --

MacGregor: It's my recollection that Bill Sweigert had some ill health. You see, the job of executive secretary is very difficult, because he is the -- fall guy isn't the right work -- but he absorbs a lot of the pressures that could have gone on to the governor. Bill was very faithful in that. He was in charge of the administration of our office, and was awfully good at that. But he had to take a lot of criticism, on the outside, and there is just a great deal of strain in being the executive secretary for the governor.

Fry: This was criticism against the chief executive's office, right, not against Bill Sweigert, personally?

MacGregor: Yes, I think that's a fair statement. I don't think there was much criticism of Mr. Sweigert. There was just the wear and tear dealing with the issues and conflicts. He didn't deal with the legislature; the legislative secretary always handled problems with the legislature. But then the legislative secretary would work it out with Bill Sweigert and with the governor.

Fry: Yes. Then when Oakley came in, what differences did this make?

MacGregor: I think that the administration had been so successful, and so well accepted, that there wasn't as much turmoil surrounding it as there had been in the beginning.

Fry: Oh, when the changes were first being instituted. What about inside the office? Oakley must have had a different method of operation, because outwardly he's not quite as -- warm? Would that be my word? Well, he's more quiet than Mr. Sweigert.

MacGregor: He's quiet. Yes. And less -- I think he'd be less perturbed, outwardly.

Fry: I see. What about the administration of the office?

MacGregor: It went along very smoothly. Bill Sweigert had established all the procedures, and the relationships among the staff, and I think -- I may have said this before, but I want to be sure it's in the record, that never was there any conflict among the staff secretaries. And I think it was partly because of the excellent communication that we had. That if one of us knew of some situation that was arising, we'd let the others know, and we would work out the way we would handle it. The administration was almostly completely free of scandal. It certainly was free at the top echelons. Once in a while something would go wrong down the line.

I remember there was some trouble down at San Diego. I don't remember which office it was. And every now and then, somebody would embezzle something, Motor Vehicles would have some trouble. But never any tension between the staff, and the staff relationships with the department heads.

Fry: On Oakley, Helen -- of course I just interviewed him that one time. I got a vague impression that maybe you can check for me, that he was an able man in being able to read and organize ideas in his head, and summarize and see relationships between things, rather incisively. That probably this might have been one of his assets in the attorney general's office. Is that right?

MacGregor: Yes, I think it was.

Of course the work in the attorney general's office, on the civil side, was the writing of opinions. Robert Harrison, I think, was the chief assistant attorney general; then Bill Sweigert came in to organize and supervise the litigation that the attorney general was involved in.

Fry: Anything special? Or just all the litigation?

MacGregor: Yes. To see that much of it was properly disposed of, and that the briefs were in on time --

Fry: To administer --

MacGregor: To administer. Yes. In comparison with the governor's office, the attorney general's office was very peaceful.

Fry: [Laughing] Even with World War II starting!

MacGregor: Well, the civil side. And the operation of the appellate function. You see, the attorney general handles all appeals from criminal cases, and that involved a great deal of work.

Fry: Who was in charge of that? Was that one of Bill Sweigert's --

MacGregor: I think Bob Harrison probably was in charge of that. I'm not clear.

Fry: Is Bob Harrison deceased?

MacGregor: Yes. He lived for a long time after his retirement, and practiced law I think practically to his nineties.

Fry: On the civil side, were there any significant issues that might compare on the criminal side with the off-track horse race betting? Or the gambling ships, and so forth? I wondered if we were missing something that was just as significant, but which didn't have the public appeal on the civil side.

MacGregor: I don't recall.

Fry: Maybe in school legislation or some cases like that -- things having to do with, I suppose, jurisdictional problems in counties and cities, or anything that you know? We've gone to various newspapers, libraries, and copied down the things that made it into the newspapers, but that isn't always the most significant things that happen at the time.

MacGregor: The writing of opinions was handled very

MacGregor: smoothly, I think. Most of them were prepared by deputies in the office. I guess almost all of them were personally reviewed by the attorney general. And mostly it was whether such and such could or could not be done. It was advice, you see.

Fry: Well, to me, that's a very sensitive political position, because frequently these opinions that are requested from the attorney general's office are the result of a political hassle going on between two groups in a local situation, so they write the attorney general's office for an opinion--or legislation --

MacGregor: They were entitled to an opinion. I don't know what the situation is now, but the agencies of state government, with a few exceptions that have their own counsel, were advised by the attorney general as a matter of course. Then members of the legislature could request an opinion. And sometimes they would be requested, because the legislator in turn had been requested to get the attorney general's opinion with regard to some local issue as to what the law was. The legislator would be entitled to an opinion.

The district attorneys were entitled to an opinion. And that was about all. So the private citizens who would write to the attorney general's office would be courteously informed that the attorney general didn't give advice.

Fry: At the present time, sometimes the opinions are requested as the result of -- for instance, a county board of supervisors' decision that goes against a particular interest group in the community, and in the ensuing battle they request an opinion from the attorney general. The reason I brought this up was that I was trying to make a connection between Oakley's position in figuring out opinions and later on his work in the governor's office. I was just wondering how politically sensitive Oakley was.

Maybe this was not a politically sensitive position that he had in the attorney general's office.

MacGregor: No, it wasn't.

Fry: I know it shouldn't be, but a person would have to be aware of the political implications of a decision, since the attorney general's an elective office.

MacGregor: Yes, that's true, but one of the things that we became so conscious of after Earl Warren was elected governor was that he was formulating policy decisions, whereas in the attorney general's office, except in a very narrow way, in law enforcement issues, he was not making policy decisions. He was interpreting the existing law.

Fry: And you quickly became aware of this change.

MacGregor: It sure was a change!

Fry: What can you say to explain the inside, day-to-day workings of the attorney general's office?

MacGregor: I don't know. [Laughter] We were just so busy all the time. There were always the drafts of opinions to be reviewed and presented to the governor. One of the working aspects of my job that was perhaps unique, was the result of the inability to do sustained work with the attorney general while we were in the office, and sometimes I'd fill a briefcase with drafts of opinions and letters and so forth, and we'd go over to the Warren home at 88 Vernon Street, Oakland, where there was a lovely library up on the third floor, and we'd get a lot of work done there. And if you want human interest, I would like to mention this:

The children were quite small at that time. Robert and Honey Bear (Nina) were little tots, and they were instructed not to bother their father and me while we were working, but as children are, those admonitions weren't taken altogether seriously. Every now and then at the head of the stairs a couple of little tow heads would come into sight. Never, in all the time that I knew Earl Warren, did he ever push his children aside. He'd call to them, "What is it?" and they would come over; he'd put his arm around one or two, and he'd listen. "No, I can't do that

MacGregor: now, but as soon as Miss MacGregor and I are through, anyway, at half past five, we'll do it." And they'd trot along downstairs, happily.

One of the beautiful things about working for Earl Warren all through the years was my relationship with his whole family. I'd come to the house at 88 Vernon Street with papers to be signed and so forth, things to clear at the last minute, when he was going on a trip. One day, my friend who was living with me at the time drove over to the Warren house with me. She stayed in the car while I went in, and she said later, "I've had the nicest time. I heard so many happy voices inside, voices of children, and then every now and then a man or woman's quiet voice saying something to the children. I just had a sense of such a lovely family life."

So that was one way we'd get our work done that we couldn't get done at the office. And sometimes I'd go with him on trips. We always had a driver, and then we'd go over correspondence -- I used to say I could dictate at sixty-five miles an hour. [Laughter] I could take dictation. We got a tremendous amount of work done. And then I'd come back, and I'd type some of it myself and I'd dictate a lot of it. I'd take his comments on the drafts of opinions back to the attorneys, the deputies, who had drafted them. And just carry out the instructions. One of the rather troublesome difficulties was that I'd be the one who'd be there, and Mr. Warren would cross-examine me on the work of the other deputies! But I survived all that. [Laughing]

Fry: You had to be so well-informed, Helen. All those different opinions --

MacGregor: I usually would run over them before we'd leave, so I would have some idea of what they were about.

But there were some deputies who were not resourceful in working out legal solutions to

MacGregor: problems that really were in the public interest. You know -- there are some people who just naturally say, "It can't be done."

Fry: Yes. It makes sense to do it, and you know it's the fair thing to do, but you can't find a legal reason why? Is that what you mean?

MacGregor: Well, not only that, but you know some people are not resourceful in finding legal reasons to justify the right advice.

I find that in my present dealings with the city council and the board of education, anything that's new is -- can't be done. That isn't the kind of man that Earl Warren is. He'd say, "I don't think that's right. I'm sure there's another line of authority that would support an opinion that would justify the course of action. You tell so and so to run down some more authorities on this and I think that they'll find that there's good legal reasoning back of the contrary conclusion.

That's about my chief memory of the opinions. I think I wrote one or two opinions. I was a deputy. But that wasn't my principal function.

Fry: What was your role? It may not have been in your official job description, but what was your role?

MacGregor: My role was deputy attorney general, and I was executive secretary to the attorney general. So that's about all I can say about the day to day work. Most of it wasn't completed day to day until we could get away from the office!

Morris: Why was this?

MacGregor: Because so many problems were coming up all the time that would involve the attorney general's attention, or he would be away from the office for three or four days, and problems would pile up.

Fry: As the elected one, he had to keep his contacts in order around the state, and so I assume that he was gone part of the time at least.

MacGregor: And then he'd go to Washington. I think I recorded the story about his being at the first conference on parole in Washington.

Warren and the University of California: 1928-1952

Morris: Richard Graves mentioned that Sam May at the university was very much interested in corrections, too, at about that time. Did he and Warren have much of a relationship?

MacGregor: Yes, they were very good friends and Professor May would have problems that Warren was interested in, researched by his staff and students.

Morris: So that Warren made good use of the university as a --

MacGregor: Oh yes. And another thing. Mr. Warren was in the district attorney's office -- and I think in the attorney general's office -- he would give one or two lectures to the students in public administration every year or every semester. It was an official position but it was unpaid.

Morris: Much honor, but no cash.

Fry: I wonder if we could get Reagan to do that. [Laughter]

Morris: He's not district attorney of Alameda County.

MacGregor: That was when he was district attorney, and possibly this continued during his attorney generalship, but of course not after he became governor. I remember once in a while he would review a thesis, in what would now be criminology, but it was then in the department of public administration.

Morris: Yes, this was when Professor May was just developing that into a school of its own.

Fry: It's interesting, reading reports of the advisory committees and the special governor's conferences --

Fry: I get a sense that Warren made quite a lot of use, not only of Professor May but other people at the university.

MacGregor: Oh yes. Dr. Grether was one, and Dean Chernin, and then of course when he was planning this conference on mental health in 1949, he involved the university and the Langley Porter Clinic, and Dr. Bowman, Dr. Simon and others in the committee planning the conference. He always had very top people planning the programs of his citizens' conferences.

Fry: And the university was considered to be the place where you went to get the top people in these various fields?

MacGregor: Many of them.

Fry: On the university, did you say anything on the loyalty oath, and do you want to say anything on the loyalty oath?

MacGregor: [Laughing] It was a struggle.

Fry: Have you already said --

Morris: Some. I think there might be more.

Fry: What's included, do you know?

Morris: There was a kind of a brief thing. We asked you about your liaison with the university, and you said, there wasn't too much except for what you called "the terrible period of the oath controversy." Just a little bit about Tenney. I wasn't clear from that first interview what Jim Corley's role was.

MacGregor: Yes. Well, he used to come over to the office, both he and Dr. Sproul would come over to see the governor on various university matters. Now, what I did in relation to the Board of Regents as a matter of routine, was to summarize the minutes of the previous meeting, and dictate highlights on the agenda for the coming meeting to orient the governor as to what had been done, if he hadn't been present, or refresh his recollection.

Morris: In other words, you did this for the regents, because the governor ex officio was a member of the regents?

MacGregor: Yes. He was chairman of the Board of Regents.

Fry: But as I understand it, he didn't actually attend in person the regents' meetings (I don't think many governors did), until the oath controversy started?

MacGregor: I think he attended a lot of them. He just loved that university, and I think he attended the regents' meetings, whenever he could.

Fry: He attended them constantly once the oath controversy got under way.

MacGregor: Yes. And what abuse he took from a lot of people. They thought he was a communist, because he recognized the integrity of the professors who believed they should not take the oath.

Fry: Did he ever discuss this with you? I wonder how he arrived at that.

MacGregor: I remember his saying that every profession has its sensitive points, and that the professors -- their freedom from pressure of any sort, and their right to freedom of thought and freedom of expression, should not be hampered. Now he dictated quite a long letter, as I mentioned before, and he sent that out to those who wrote in criticizing him. But it was very carefully worked out. Some people would write back and say, "Thank you, now I understand." and others would just say [laughing] "No matter what you say, no good American would refuse to take this oath."

But his point was that the oath he had taken, and the president takes, to support and defend the Constitution of the United States and the constitution of the State of California, is all that is needed. If you are subversive, you can't honorably take that oath. Of course, one of the problems was that this oath was required of professors and of no other public official. When it became required of professors and of no other public

MacGregor: official. When it became required of everybody, he didn't carry the fight any further.

Fry: In 1942 there was a loyalty oath for UC that was required. It was a positive loyalty oath, and I think this actually was instituted at that time. And at that time, there was apparently no great flap over it. The regents just passed it, and that was that.

MacGregor: Yes. The big flap came when John Francis Neylan, who was a regent, was so adamant that this very complicated loyalty oath be required of the faculty. There was a lot of belief that there were communists on the faculty, and that we should get rid of them.

Fry: What was the personal relationship, or the political relationship, between Warren and Neylan?

MacGregor: Well, it became very strained as the fight went on.

Fry: I mean, before the fight began.

MacGregor: I think the governor had appointed him. Or reappointed him.

Morris: Yes. He'd been in state service for a number of years making what read in his memoir like fairly innovative, progressive changes to improve the efficiency and quality of services.

Fry: He had supported Warren?

MacGregor: Well, I don't know if he had supported Warren, but the governor had reappointed him to the board of regents before this struggle began.

Fry: How about Tenney? My impression was that Tenney was also a supporter --

MacGregor: Was he on the board of regents?

Fry: No but it was his education committee that brought up the question of communists on campus.

MacGregor: Oh, yes.

Fry: Previous to that, in the legislature, Tenney had backed social legislation, labor legislation, and so forth. That made me think that he might have kind of been in the same camp with Earl Warren. And then all this happened, and they were on opposite sides. They'd never been on opposite sides before.

MacGregor: I don't remember Tenney's ever being a strong supporter of Governor Warren.

Fry: I wonder what Warren thought of the investigations of the Tenney education committee. Do you know?

MacGregor: No. I know what I thought.

Fry: What did you think?

MacGregor: Well, I thought they were very biased and incomplete. For instance, there was one report that listed the Commonwealth Club of San Francisco as a subversive organization. You see, the procedure apparently in the Tenney committee, and others that followed, was if you had any relationship or connection with a communist, then you were a subversive. And of course the Commonwealth Club had such speakers as Earl Browder and other leading communists address the club, because that had long been the practice.

Fry: And if you sat there and listened to Earl Browder, you were permanently tainted.

Well, let's see, Helen, do you remember anything specifically in the events of that loyalty oath controversy -- who on the faculty might have talked with Warren during the controversy? For instance, Clark Kerr was head of the faculty committee that tried to cope with this right at the beginning. It first broke I think about May of the first year, just as everybody was about to disperse for the summer, and I wondered if in that position Clark Kerr or some other members of

Fry: the faculty might have conferred with Earl Warren to see if there was anything that could be done.

MacGregor: I don't know. The governor was down at the university a good deal and could have had the interviews down there. I know that there was terrific feeling on the campus. We knew so many of those who refused to sign the oath.* I remember Professor Lowenburg was one. Dr. Tolman. Those are two that stick in my memory.

Morris: And you'd worked with them?

MacGregor: Well, I'd taken a couple of courses with Professor Lowenburg, when I was an undergraduate.

Morris: And so you felt that they were not likely communists, regardless of whether they signed the oath.

MacGregor: I'd be certain that Professor Lowenburg wasn't a communist, but somebody said something like this, "Lowenburg wouldn't take an oath on anything."

Fry: Could there possibly have been any of Earl Warren's old professors still on campus during the oath controversy?

MacGregor: He graduated in 1912, 1914 from Boalt.

Fry: Yes. 35, 36 -- 38 years about, after he graduated. So it was unlikely. But I guess he knew a lot of professors --

MacGregor: Of course he'd always maintained a close relationship with his old school, with Professor May --

Fry: Is there anything else you might describe to us about what happened in the loyalty oath controversy? In terms of the governor's office.

MacGregor: No, I don't think so.

Fry: I know one of the questions that always comes up

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*Communications on this point are among the University Archives materials on the loyalty oath, and among Professor May's papers.

Fry: when you hear these various histories of the loyalty oath is the decision that was made on campus to go ahead and agree to institute the loyalty oath at first. This was when the whole thing began. And I think Corley was involved in that some way.

MacGregor: I think it was imposed before the big fracas started, but I'm not sure how much time before.

Fry: So that the line of opposition then had to be drawn almost between the university administration and the faculty, because the university administration had already agreed to do it. If Corley and Sproul were in contact with Warren at that time -- I just wonder if they understood that he was going to fight it.

MacGregor: I don't know.

Fry: If he had told them he would support the fight against it, that may have been one reason why they just went ahead and went along with the action.

MacGregor: I don't know. And I refuse to speculate on what I don't know.

Date of Interview: May 18, 1972 Gabrielle Morris, Interviewer

IX ADDITIONAL THOUGHTS ON WORKING WITH WARREN

Leadership in Law Enforcement

Morris: We wanted to ask you a few questions that had come up in reading the transcript of our earlier interviews and also some of the thoughts that have occurred to you that you wanted to tell us about. There was more you wished to tell us about your work with Warren in the attorney general's office.

MacGregor: Yes.

Morris: You were going to give us a little bit more on the specifics of the organization of the office.

MacGregor: I felt on reading my transcript that I neglected many of the phases of the work in the attorney general's office, having stressed the opinion-giving aspect of the work.

The attorney general is the lawyer for almost all of the agencies of state government, and he not only gives opinions, but he represents the agencies of government in their litigation, both that which they started and which was started against state agencies. Bill Sweigert came into the office to organize that phase of the work.

Morris: Do you recall an instance -- just to give an example of the kinds of litigation an agency might be involved in?

MacGregor: No, I can't -- I didn't have anything to do with

MacGregor: that part of our work, but I do have very clear memory of the litigation that resulted from the raids on the gambling ships, and also the litigation in regard to dog tracks, horse race betting, bookmaking. But those all fell within the criminal phase of the office work.

Morris: We'll ask Judge Sweigert to talk about the agency type of litigation.

MacGregor: Then there was the criminal division, which Warren Olney headed during most of Attorney General Warren's years -- which you already have a great deal of material on. There was also the appellate division -- the attorney general handles the appeals from criminal cases, and in many cases he also handles some phases in regard to writs of prohibition, habeas corpus, mandamus, and so forth. I've forgotten who headed the appellate division. But I think that gives a broader basis for understanding the division of the work in the office.

Perhaps something else that I should mention is Earl Warren's leadership of the law enforcement people of the state, under the constitutional provision making him the chief law officer of the state. He used that provision constructively, rather than punitively. Although he had the power to displace a district attorney, a sheriff, or a chief of police, I don't recall any instances when he actually did that. Sometimes in complicated cases, particularly where more than one county was involved, he would be asked to give the assistance of his office.

Morris: By the county?

MacGregor: By the county or the official that was investigating the case. He had his staff of investigators, headed by Oscar Jahnsen, and Oscar worked under Warren Olney.

Morris: I usually think of Oscar Jahnsen in connection with investigations, but the other day someone was saying that Mr. Jahnsen was also responsible for Warren's personal security --

MacGregor: Yes, that's true -- but considering the way the secret service works now, the governor never had very much personal security. He used to walk alone from the mansion to the capitol.

I should also go back to the attorney general's office work in illustration of the way he worked with the law enforcement people. He had each organized into zone groups, and he periodically met with the district attorneys of a zone, or the sheriffs, or the chiefs of police.

Morris: All of the officers in that given zone -- the district attorneys and the sheriffs together?

MacGregor: Possibly, but I don't recall instances. He kept in touch through these zone meetings, which were not only of value administratively, but were also used as a vehicle of education of the law enforcement people of the state.

Morris: Would they then bring to him matters that they were concerned about in their local jurisdictions?

MacGregor: Yes.

Morris: Can you recall some of the things that were coming from the local people?

MacGregor: No. I know that it was going on all the time, but I can't recall specific instances.

Morris: How many zones were there -- these were geographical parts of the state?

MacGregor: I don't remember.

Morris: That must have been quite time-consuming to keep up with all that outreach.

MacGregor: It was, but Mr. Warren felt it was very important. However, I don't believe he attended all the meetings himself. Probably Mr. Olney or Mr. Jahnsen took some of the meetings. Or many of them would be held in his office. The basis of all of this goes back to the district attorney's

MacGregor: days, when he was the recognized leader of the district attorneys and all the law enforcement people in the state.

Morris: You had said at one point that it was in the AG's office that you had really come to respect Warren's skill in cross-examining --

MacGregor: No, I may have noted it in the attorney general's office, but it was in the governor's office that he demonstrated his skill in cross-examining and bringing out the points that had been overlooked.

Morris: This was in department directors presenting their program?

MacGregor: Yes, when issues would be presented to the governor, he would see the weak spots, the points on which he needed more information. Of course, this was an outgrowth of his years of experience as a trial lawyer.

Morris: That's interesting, because in later years one of the points raised against Mr. Warren was that he didn't have all that much knowledge of actual legal procedure.

MacGregor: That was a fiction.

Morris: Yes, when you see how much he used his legal skills in the governor's office, just for information.

One point that I wondered if you could fill us in on was why the attorney general's office was in San Francisco rather than in Sacramento, where the state capital was? Do you know what the history on that is?

MacGregor: Yes, it was a matter of history. His predecessor, U.S. Webb, had been attorney general for many, many years, I think more than thirty, and he had established the main office in San Francisco. Although he had offices in Sacramento and Los Angeles, the main adminis trative functions were being performed in San Francisco, and so they continued in that way.

Morris: Did this cause any complaint from Sacramento that the governor would like to have his chief legal officer nearer at hand?

MacGregor: I don't remember any complaints, but there was discussion that the attorney general's office should be located at the state capital; nothing was ever done about it.

Morris: Looking in the phone book, I find a number of courts and tax offices also located in San Francisco, and I wondered if this was why the attorney general's office had been in San Francisco, or if it worked the other way around -- that the courts and the tax offices were there because the AG was there?

MacGregor: Like the chicken and the egg, I don't know which came first. It was that way when we went to the office, and I never explored the background.

Morris: There's still an AG office in San Francisco -- is that still the major one?

MacGregor: I think it still is the major one.

Morris: Well, it's not an important point, but it occurred to me to wonder if this made the job any more difficult.

MacGregor: No, we went back and forth to Sacramento and to Los Angeles as the occasion demanded.

Morris: Every week, or once a month --

MacGregor: We weren't on schedule as I recall.

Morris: One of the stories that kept cropping up throughout the Warren administration was the need for regulation of lobbying. Now, I wondered if you recalled if Warren as attorney general had any role in the 1938-39 legislative investigation of lobbying?

MacGregor: I don't have any memory of it.

Morris: That legislative investigation had been preceded by a Sacramento County Grand Jury investigation of lobbying at the county level, and I wondered if there was any relation between the attorney general's office and county grand juries; if they would either come to the AG and ask an opinion, or if, as attorney general with knowledge of something developing in the county, Warren might ever have --

MacGregor: It's possible. Under the provisions of the constitution that provided that the attorney general was the chief law officer of the state, a grand jury could ask either for his help or that a public officer be supplanted. But, as I said before, I don't believe he ever supplanted a public officer, although he helped in investigations and prosecutions. Now, whether any of these requests came from grand juries, I do not recall.

Morris: I was interested that the attorney general's office has the power to replace district attorneys or sheriffs, those are also elected officials.

MacGregor: Yes. But the constitution gives him that power if there is a failure of the official to perform his duties. [Pause] Do you want me to get the constitution on that?

Morris: We could look it up later. I think it's one of the little known facts about state government.* And you said that Warren didn't necessarily initiate this action as attorney general.

MacGregor: I want to be accurate about this. If a situation were getting out of hand, he might well have asked to help the local law enforcement officers. When I say that, I include the district attorney. There's another situation which I haven't mentioned, and which is very important. Namely, when a crime has occurred where two or more counties are involved, almost always in those cases the attorney general would assist, to bring the work of the

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*Article 5, Section 21, California Constitution (1945).

MacGregor: various agencies together. That was one of the motivating factors in his support of the creation of the office of attorney general as chief law officer of the state.

Morris: Yes, I can see that -- particularly in relation to his experiences as district attorney in Alameda County, when various misdeeds overlapped into Contra Costa County. This would probably have underlined the need for this kind of arrangement.

McGregor: Needs that were helped by his leadership, but he had no legal authority, which should exist in the attorney general.

Morris: It's interesting the way some of these things go on in time. It takes a long time to work out a suitable solution.

Now, the transition period from Warren as attorney general to being governor must have been quite interesting.

MacGregor: It was -- and it was hectic, because we had to keep the attorney general's office going and prepare to move to Sacramento and to acquire the knowledge that was needed to step into an entirely different situation. I recall that Mr. Warren asked me to talk to Justice Homer Spence, who had been the private secretary to a governor, I think Governor Young, about working in the governor's office. Justice Spence came into my office and gave me a lot of tips about the handling of correspondence and other aspects of the work. I may have interviewed some other men who had been staff secretaries to other governors, but I particularly remember Justice Spence.

Morris: Governor Young was also from Alameda County, wasn't he?

MacGregor: Yes.

Morris: Was he still around and active in the Warren period?

MacGregor: I believe he had died.

Going back to the transition -- Mr. Sweigert was in charge of it. The governor was busy interviewing

MacGregor: people for his department heads, having, as I indicated in the selection of the director of public health, the advice of committees. Most of his appointments, as I recall, at that stage were of people of whom he knew. I recall his getting recommendations from many people; selection was quite a time consuming effort. I remember his showing me the recommendations for Dora Shaw Heffner, whom he appointed as director of institutions, which at that time included what we now have as youth authority institutions. Mrs. Heffner was a referee in the juvenile court of Los Angeles County and was well thought of in her ability to handle the young offender.

Morris: Could you give us a brief description of what a referee in juvenile court is?

MacGregor: A referee is a lawyer having official status who holds hearings for the judge of the juvenile court, and makes recommendations on the disposition of each case that is handled. There is a right of the judge to change the recommendations. Parents or others have the power to appeal the referee's decision to the judge. But it's my observation over the years that in most instances the referee's decisions are followed.

Morris: It's interesting, in view of the role of the Department of Institutions at that time, Mrs. Heffner sounds as if she was a pretty good choice to be director.

MacGregor: Yes, and in addition to that, she had degrees in public administration -- I think she had a doctorate in public administration. I did not know her -- the attorney general handed me this sheet of recommendations and said, "What do you think?", and I said, "She sounds good."

Morris: This was recommendations from people in Southern California?

MacGregor: Evidently.

Morris: That's interesting. I'm glad you found the letter from her in your papers, describing her hopes for

Morris: the department.*

On Becoming Governor

MacGregor: Yes, well we'll come to that later. We'll stick to the transition now.

One of the pleasant things that happened in the transition was in connection with the preparation of the budget. I think we've all talked about how difficult it is for a new governor to work on the budget when he's had no experience in the financial handling of the governor's office and the total state administration. Thelma Greenwalt was secretary of the then director of finance, and I remember that soon after the election, Miss Greenwalt phoned and offered the full facilities of the director of finance to Earl Warren for his preliminary work on the budget.

Morris: Was Mr. Hassler, as director of finance, one of the first appointments Governor-elect Warren made?

MacGregor: He was one of the original appointments.

Morris: Mr. Hassler was city manager of Oakland and George Killion, who was Olson's director of finance, had also worked in private business in Oakland. I wonder if these three had worked together on projects before and therefore had a personal relationship to help this transition period?

MacGregor: I've no recollection of a three-way association, but I do know that over the years Earl Warren and Jack Hassler were closely associated.

Morris: On what kinds of things?

MacGregor: On problems relating to Oakland and Alameda County.

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*See Appendix B.

Morris: Mr. Hassler was an early city manager, wasn't he -- the city manager form of government was fairly recent?

MacGregor: Well, there were several who preceded him. Mr. Ossian Carr was one. I don't know whether Mr. Hassler succeded Mr. Carr or not, whether there was any other person serving.

Morris: Could you recall a little bit about Mr. Hassler as a person? Maybe something that he and Warren worked on together -- his approach to life?

MacGregor: I don't seem to have any clear recollection. Mr. Hassler was a very attractive person, and he used to come into the office frequently, but beyond that I have nothing to comment.

Morris: How did it happen Warren decided that you should come to the governor's office with him?

MacGregor: Well, it was always taken for granted that I would go to Sacramento in some capacity.

Morris: You both just assumed this?

MacGregor: Apparently. But, one day in the very short period between the election and his inauguration, a woman who was active in Republican politics, whom we both knew, came to see me and said that she would like to be appointed a staff secretary. She felt that the time had come when a woman should have that responsibility in the governor's office. I told her that I would tell the governor. I remember we were driving to Sacramento, going over office business, and I was reviewing the list of messages, and I came to this message, which I faithfully reported. He said, "I agree with Mrs. X; we should have a woman on the staff. But I'm not going to appoint her; I'm going to appoint you."

Morris: That's really lovely. I can just hear him saying that. That must have pleased you tremendously.

MacGregor: Oh, of course it did.

Morris: That's interesting. Not only did he appoint you one of his staff secretaries, but he went ahead and appointed Mrs. Heffner to the cabinet -- so that women were well represented.

MacGregor: Yes. And he appointed Rena Brewster, who was not of cabinet rank, but was in charge of the Department of Industrial Welfare.

Morris: Was that a new department?

MacGregor: No, that was an existing department. There was a Commission of Industrial Welfare, which had the responsibility of holding hearings on minimum wages for women and children, rules protecting them in industry, agriculture, and business. They had the enforcement of the eight-hour-day law, and other regulations of that character. They held hearings, by they, I mean the commission. Mrs. Brewster was the executive director for that commission.

Morris: This question maybe comes later in time, but I'd like to get it on the record because I don't know that we've asked you about it, but it's come up from other sources -- the story of Warren and the fair employment practices legislation, which came up several times when he was governor, and the legislature never approved it. I wonder if this Commission on Industrial Welfare might have been concerned with minority employment?

MacGregor: That's possible, but it's one of the many things that I don't have any specific recollection about.

Morris: No reason why you have to know everything about everything in all those years. There isn't much on it except an occasional headline in the paper that FEPC legislation had been proposed, and Warren several times mentioned it in a long list of things that should be done in California.

MacGregor: That reminds me of one of the phases of the preparation for the transition. Bill Sweigert and I made a list of all of the promises that Earl Warren made during the campaign for governor. I

MacGregor: took the press releases, and I guess Bill took the speeches, and we compiled all those promises. I can not say that all of them were mentioned in the first inaugural address to the legislature with his recommendation, but in the course of the first administration all of them were supported by the governor.

Morris: Isn't that remarkable!

MacGregor: There was no platform just to get on board.

Morris: Did you write them all down in a list someplace?

MacGregor: Yes, I prepared a memo. I remember I was recovering from surgery.

Morris: In this transition period?

MacGregor: Yes. And I had all these papers stacked up on my bed.

Morris: Oh dear. Was the campaign too much for you?

MacGregor: No, as a matter of fact, this episode of surgery had nothing to do with the campaign.

Morris: One of the questions that we've been interested in is how Warren went about setting priorities? With all the speeches and all the press reports of of that campaign, there probably was quite a collection of things that could be considered promises. How did he go about establishing a priority?

MacGregor: I don't know how he did that. But, knowing him, as I have indicated on the taping of the prison reorganization -- which was one of his promises -- he undoubtedly selected those items which he felt were supported by the people, on which he could gain their support, and of course, the ones which he felt were most important to the state. Again, his miraculous sense of timing came in.

In addition, there were many other matters of legislation which would come up through the departments or from other sources, which he

MacGregor: favored, but which he would not select as the main points of his recommendations to any given legislative session.

Morris: I would think so, because, particularly in that 1943 legislature, the department heads would have been in the same spot he was, newly appointed and unfamiliar with the department.

Were there any department heads who were carry-overs from Olson's time, even for a few months?

MacGregor: Miss Chickering, Patty Chickering, was director of social welfare, and she remained for a considerable period of time. Then she resigned, and I don't remember who succeeded her.

Morris: Judge Wollenberg's father, wasn't it -- Charles Wollenberg?

MacGregor: Well, I don't remember whether Mr. Wollenberg came in at that point, or after the Myrtle Williams episode.

Morris: Wasn't Myrtle Williams followed by Charles Schottland from Los Angeles?

MacGregor: I've forgotten the sequence.

Morris: We still haven't gotten the whole Myrtle Williams story, although we do have an interview with Mr. Schottland about what happened afterwards.

MacGregor: I'm glad you got Mr. Schottland. I was negligent in not having spoken about his very important work.

Morris: Is there anything in particular that you'd like to fill in about him?

MacGregor: I should say about the total period of transition -- it was extremely difficult. Very, very hard work.

Morris: While you and the people who were going to the

Morris: governor's office with him were getting familiar with that job, was Mr. Kenny also being introduced to the machinery of the attorney general's office?

MacGregor: I presume so, but my focus was on the governor's office.

Morris: Who of the people particularly close to Warren remained in the attorney general's office?

MacGregor: Most of the staff -- I'm thinking of Ted Westfall, who had been with Earl Warren in the district attorney's office, and Jim Oakley -- I've told about how he came to Sacramento, but remained in the attorney general's office. Some had already left the attorney general's office to go into war-related work or to enlist -- both Warren Olney and Oscar Jahnsen had done that.

Morris: But it was possible to keep some continuity with the attorney general's office?

MacGregor: Yes, most of the attorney general's office were under civil service, and they stayed on under Mr. Kenny.

Morris: And then you went to Sacramento and Warren was inaugurated --

MacGregor: Well, before I come to that episode, I should mention that Bill Sweigert and I went up to Sacramento at the invitation of Stanley Mosk, who was Governor Olson's executive secretary, and he was very gracious and helpful to us.

Morris: And Olson then appointed Mr. Mosk to a judgeship?

MacGregor: At some point -- yes he must have done it. Governor Olson appointed him as a judge of the superior court in Los Angeles.

Morris: Mr. Mosk and Mr. Killion -- were thereother people in Olson's administration who were helpful in this transition?

MacGregor: I don't recall.

Morris: Well, those two would have been pretty important ones to ease the way.

Morris: Good, and then Warren was inaugurated and you went up to install him in the governor's office, and you walked in and found "bugs" -- electronic listening devices --

MacGregor: Well, that wasn't the way it happened. On the first or second Sunday after the inauguration, I was working at the office, and there was a knock on the door, and Charles Lyons, the speaker of the assembly, was there with, as I recall, one or two other people. He said, "We heard that Governor Olson had microphones and a recording device in the office, and we'd like to find out about it." Of course, I had no knowledge of this. So I invited them in, and I'm sure I got in touch with the governor and Mr. Sweigert and Mr. Scoggins when it was happening. I didn't have anything else to do with the situation, except I learned that there were microphones in practically all of the offices, including the governor's, so that his conversations would be recorded, and there was a recording device in a room on the mezzanine floor.

Morris: You mean a master listening device?

MacGregor: Apparently. This fitted in with the general atmosphere of surveillance in the governor's office.

The night of the inauguration, one of the custodial staff came to me with the keys for the office, the master key for the suite of offices, and then he handed me another group of keys. I said, "What are these for?" He said, "These are so you can all lock your doors." I said, "Lock our doors!" [Laughs] I said, "Well, I'll take the keys, but we've never locked our doors; our offices have always been open to one another." So it really was a very unwholesome atmosphere of suspicion that pervaded Governor Olson's administration.

Morris: Was the sense of this that these recording devices had been installed by Olson to keep track of his own cabinet or they were put in as he

Morris: departed to keep track of the Warren cabinet?

MacGregor: Oh, it must have been entirely to keep track of the Olson situation, because he would have no way of getting at the recording device.

Morris: That's interesting. I seem to recall that somewhere along the line, wasn't it Gordon Garland who, as speaker of the assembly, found a recording device and ripped it out, saying that he wasn't going to do what Governor Olson told him?

MacGregor: I don't remember.

Morris: The name Garland stuck in my head because didn't Warren appoint him --

MacGregor: Director of motor vehicles.

Morris: Much of this was made in the papers, I think. This is how we came across it. We found photographs that covered the top half of the Sacramento Bee.

MacGregor: Discovery of the microphones created a great furor in governmental circles. And that leads in naturally to what I wanted to tell -- about Earl Warren's relationship with all the government employees in Sacramento.

On the first or second day after his inauguration, he began the practice of dropping in at different offices, and meeting all the people in the office. This just changed the whole feeling in Sacramento, and someone said, "It was as if a good clean breeze had blown through Sacrmaneto." Always Governor Warren made a great point of the fact that the success of an administration, and I mean any administration, was in large part dependent on the quality of people holding subordinate positions in the offices.

Morris: Could you comment on what was the difference in the way Olson ran the governor's office and the way he had administered the various departments -- what was the source of this feeling of suspicion?

MacGregor: I don't know; I only know that it existed.

Morris: You must have had some fall-out of this in the attorney general's office.

MacGregor: Well, evidently it didn't impress me very much, because I have no clear recollection.

Morris: It was more visible in the state capital?

MacGregor: In the capital, yes.

Miss MacGregor's Job Description

Morris: Now, you were going to tell us a bit about the way you set up your part of the governor's office and some of the responsibilities and some of the interesting people in relation to that marvelous, detailed job description that you've supplied us.* It seems impossible that one human being could accomplish all those tasks.

MacGregor: Well, it never got fully accomplished, I can assure you. But you have this document that I prepared after Judge Oakley became the executive secretary. At that time we were trying to figure out really how much help we needed in the office to properly function. I think I should say something about my duties to supervise reception, appointments, and the calendar unit. We were very fortunate in having during almost all of Governor Warren's administration as the receptionist Mrs. Madelaine Doty, whom Mr. Scoggins had known in Stockton. He felt that she had the unique qualities that would make her a good receptionist. She was very gracious -- she <u>is</u>, fortunately, she's still living -- a very gracious lady, well-informed, and with a marvelous memory.

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*See Appendix C.

Morris: A very fine combination.

MacGregor: And able to meet anybody with serenity and tact. I never knew of any instance when Mrs. Doty offended a person.

Morris: That's a great gift.

MacGregor: She needs a gold star for her skill in doing this. She did not come in at the very beginning. Evelyn Whalen, then Evelyn Peterson, came up with us from the attorney general's office, and she filled in at the reception desk until we could find someone who was right. Mrs. Doty came up from Stockton and I interviewed her. She assumed her duties sometime fairly early in January. Obviously, there would have to be somebody to relieve her, but I've forgotten who substituted then.

Of course we had all kinds of people coming into the governor's office who had complaints of various kinds -- some reasonable, some totally unreasonable, some who were really mental cases. And I'd like to jump ahead in the handling of people who were mental cases. They were pretty easily spotted because usually they would have some delusional aspects to their story. After Dr. Frank Tallman came in as director of mental hygiene, I was discussing this problem with him one day, and he said, "I'd like to meet with the staff of people who interview those who come into the office." And of course that included many more people than the receptionist. He told us some valuable things to bear in mind: One, no matter how illogical the story may be, it is real to the person who tells it. And another point he made was -- the story may be unreal, but it may be a distortion of a real situation which should be gone into. And I think that helped us all in our handling of people who were difficult. If Mrs. Doty couldn't satisfy a person, she would call on one of the rest of us on the staff to talk to him. Once in a while, in a very difficult situation, the governor himself would listen, and I remember one man who troubled us for years. Earl Warren finally talked to him and the man accepted whatever the governor had said to him.

Morris: That's very moving.

MacGregor: It really is. And then, we had the appointment unit, which handled all the appointments, under my supervision, unfortunately the governor couldn't possibly see everybody he should see, so the rest of the staff would fill in.

Morris: And see somebody, instead of Warren trying to see everyone.

MacGregor: Instead of the governor himself.

Morris: This must have been very difficult -- to try and decide who really should see the governor and who could have their problem handled by somebody else.

MacGregor: Well, very often, we'd take it up with the governor in advance, and he'd say, "I think that so-and-so should take care of it."

Morris: Did people feel that you had the power of approach to the governor, as it were -- maybe you could get them in ahead of their turn, or on a matter that wasn't all that important?

MacGregor: Usually the governor was so closely scheduled with very important official appointments that it was obvious that some of the rest of us had to fill in, but we worked that out -- there were very few unhappy people. Of course, the governor himself was a contributing factor to some of the difficulties -- in two ways. One, he'd always say, "Well, I'll be glad to see you -- anytime."

Morris: And people would take him literally.

MacGregor: Yes. And the other way was, when he granted an interview, he never left or cut it short when he felt the discussion was important; so other people would just have to wait until that was over. Then there were a few bumptious people in Sacramento who thought they had the right to see him at any time. I remember there were one or two state officials -- I won't name them -- who would come sailing in, past my door, into the governor's office. After one or two encounters with them, I was made to understand that what the governor had said outweighed what I would say, and so they'd

MacGregor: walk right in.

Morris: Oh, dear, and what would Warren do about that?

MacGregor: Oh, well, his graciousness would rise to the occasion. Sometimes, he would have other people in there. Presumably, he would ask the newcomer to wait in the reception room until he was free.

Morris: You also handled a good deal of correspondence for him, didn't you?

MacGregor: Oh, yes. The correspondence was enormous, particularly at the beginning of the administration, and we had to organize that. Many of the letters were applications for positions or recommendations for positions, and we established a routine under Bill Sweigert to handle that. We developed the form letters to use in answering that correspondence. Then we developed a lot of form letters for various types of situations. Many matters were referred to the department concerned in the correspondence. We'd simply write and say that the matter had been referred to the appropriate department, and we'd suggest that they get in touch with the head of the department.

One of the interesting aspects of complaints is that they very often reveal defects in administration, the governor didn't want them ignored. And at one point, he asked someone in the Department of Finance to investigate some complaints, because people would feel that if it was referred, say, to the director of public works, when it was a complaint about the operation of the department, the answer would certainly be a whitewash. Complaints that sounded as if there was some merit to them would be referred to the special man in the Department of Finance, and sometimes Oscar Jahnsen would investigate.

Speaking of correspondence, the governor received many amusing requests and requests impossible to grant. The most amusing was a letter accompanied by dental wax for an impression. The writer was making a collection of bites of famous people. Would the governor please send his bite.

MacGregor: Persons who had written movie scripts, poems, songs, plays, and the like would ask his influence in getting them marketed. We had a form letter explaining that there was nothing in the law which permitted the governor to give such assistance. In reply to such an answer, I received a letter which I have kept:

> "Received your prompt reply and kind attention in getting my letter before the Governor. The reply was as much as I had hoped for. But anyhow my luck seems to have changed for the better.
>
> **** (tells about getting a divorce) I had noticed you signed your name with a Miss in parenthesis. That is a new angle to me. Of course I don't know much about private secretaries, but may I please be bold enough to assume that I might favoritely (sic) gain your acquaintance and friendship. So that this letter might welcomely be received in contrast with the numerous letters that give you a hard day's work. By way of reference I will enclose a letter from Lum and Abner. ***** Yours truly."

One of my responsibilities arose only during the legislative session, and that was to sign receipts for bills passed by the legislature.

Morris: That must have been quite interesting.

MacGregor: Well, it was so fast, and purely a matter of clerical routine, that I didn't have any time to review the bills at that point.

Morris: Do you recall whether then as now toward the end of the session you'd be signing many more receipts?

MacGregor: Oh, yes. They'd just come down in volume. (We were on the floor below)

Morris: Did this produce any reaction from Warren -- that bills weren't getting through faster?

MacGregor: No, I don't think so. Of course, bills passed prior to ten days before the end of the session

MacGregor: had to be either signed or vetoed, within the ten-day period. We had the operation set up to handle all legislation as it came in, under the direction of the legislative secretary. Reports would be obtained from a number of different sources, and correspondence that had come in on the subject would be collated. Then, one of the secretaries who was a lawyer would prepare a summary for the governor. Important in this work was the report from the attorney general and the report from the legislative counsel, and then the report from the department head. Perhaps Beach Vasey or someone else has already described this process.

Morris: Somewhat, but not in too much detail. I'm interested -- I don't think that Judge Vasey commented on the legislative counsel also sending his summaries to the governor.

MacGregor: Yes, well, at any rate that was included.

Morris: It seems to be a dreadful job for a governor to have to go through all of this material on all of the bills that wait 'til the end of the session to be passed.

MacGregor: It was simply known as the bill-signing period, something that was important, and had to be done.

Morris: Would he ever make any efforts to prod along a bill in which he was particularly interested?

MacGregor: Yes, I think he would call in members of the legislature who were supporting it, and ask them to put on a little more pressure, or he'd call people who were opposing it and talk over the bill that he had in mind. One thing: the members of the legislature, when it was in session and at other times, had priority over practically all other callers.

Morris: So that if they were in a tricky spot on the floor of the legislature, they could come and see the governor right away, as need be.

MacGregor: Yes.

Morris: That sounds like a very sensible arrangement.

MacGregor: Al Wollenberg, who was carrying the governor's bills in the assembly, was frequently in and out of the office to confer with the governor.

Morris: How did he come to be selected as the governor's floor leader?

MacGregor: They were old friends, and admired each other, and of course Al Wollenberg is a very effective person. I've been trying to think of who carried the bills in the senate, but it escapes me for a moment.

Morris: Byrl Salsman did for a while, but that was later on. There seemed to be more distance between the governor and the senate.

MacGregor: I don't think so, but I just don't remember who it was in the senate.

Morris: I'm not sure that we've come across one specific name.

MacGregor: Oh, Charlie Dueul carried some of the bills -- Senator Dueul from up north. He carried the prison reform bills, and probably if I thought long enough I'd remember more.

Morris: When I think of the senate, I think of the strong men there on the finance committee -- Mr. Rich and Mr. Hulse and Mr. Hatfield -- Oliver Carter, wasn't he in the senate?

MacGregor: I think he was a federal judge, wasn't he?

Morris: I think he was eventually a federal judge, but I think he was in the senate, again active in water legislation.

MacGregor: Well, I'd be just speculating. It was this matter of my duty in regard to the bills that has led into this.

Also the only legal work that I ever did in the governor's office was joining the corps of workers that summarized the bills, the recommendations concerning the bills, for the governor.

Morris: Was this regularly, or just when there was a real heavy --

MacGregor: The legislative secretary would parcel the bills out, and he also would bring in lawyers from other agencies to help out, too, during the bill-signing period.

Morris: As lawyers, or because of their department knowledge?

MacGregor: I think because they were good lawyers.

Morris: Which bills did you get?

MacGregor: I don't remember. Just as they came.

Morris: I see. I was wondering if he would parcel out to you the ones relating to the topics that you were particularly knowledgeable in -- youth and health and things of this sort.

MacGregor: I don't remember.

Wartime and Postwar Planning

Morris: Now, we had a couple of questions that we thought you could shed some light on. I've listed here Alexander Heron: he is one of the people who is no longer with us to give any direct information, but his name turns up over a number of years in state government. And then Governor Warren got him released from General Eisenhower's staff in Europe to come back to California --

MacGregor: I think I covered that in the taping.

Morris: You covered the fact that Eisenhower released him to come to be director of the Re-employment and Reconstruction Commission.

MacGregor: It was the secretary of war who released him. The governor called the secretary direct -- I remember I placed the call.

Morris: Oh, really. And there was no argument?

MacGregor: Not that I remember.

Morris: The other one was Karl Holton, who said that he was all ready to go back on active duty with his old World War I outfit, and he was quite cross when Governor Warren told him he was needed more here than in the trenches.

MacGregor: I know that the governor intervened to keep Karl, but I don't remember how he did it.

Morris: That's interesting. Itmust have been kind of difficult when the war effort came before the state's needs, particularly in key personnel.

MacGregor: Well, that was a decision that he made on his own. About the Reemployment and Reconstruction Commission, the governor believed that the preparation of California for peacetime, and the return of the soldiers -- the military forces -- was of tremendous importance to the stability of the state, and to the welfare of those who returned. And that's why he wanted to get a real effective plan for reconstruction and reemployment.

Morris: At one point in our earlier interview, you made the comment that much of the legislature seemed to be"allergic" to planning, and that this kept some of the commission's work from being as effective as it might. I wonder if you could go into that a little bit more.

MacGregor: Answering one part of your question first -- I don't think that it hampered the Reemployment and Reconstruction Commission in its work, but it did prevent a continuance of such a functior., after it completed its work. I mentioned it in connection with trying to get the Aid to Small Business Show under way, and we couldn't get any help in the way of planning for that.

Morris: From the legislature?

MacGregor: Yes.

Morris: In other words, money to --

MacGregor: Well, we just knew that there was a revolt inside on planning.

Morris: Was this to the idea of planning?

MacGregor: I don't know, but it was there. Probably it was that they figured that money would be spent for planning and nothing would be accomplished.

Morris: Well, I wondered about that and I wondered, reading through the Department of Finance reports on state revenues and business, about the postwar recession that Warren hoped to avoid, which did not materialize until '48 or '49. There were several years there in which productivity kept high and business was booming and European contracts were coming in, and I wondered if their thinking was, "We don't need it, because state prosperity is continuing."

MacGregor: Any answer I might give would be sheer speculation.

Morris: Well, it's speculation on my part, too.

Now, what about Mr. Heron as an individual? He would have been of an older generation, wouldn't he, by then?

MacGregor: Not so old. A perfectly charming gentleman. His background was with Crown-Zellerbach before he went into the armed services. He was a humanitarian, a man who had faith in people, who believed that government should do all that it can to permit people to live good lives.

Morris: He'd been director of finance in an earlier administration, hadn't he?

MacGregor: Yes, I think it was in Governor Young's administration. And that was one of the reasons that Earl Warren wanted him for the position. He knew what could be done in state service, knew the structure of state government.

Morris: That's a good point.

I've asked about Karl Holton: could you tell us a little bit about a study of the problems of sixteen to twenty year old girls that was done by the youth authority?

MacGregor: It wasn't done by the youth authority; it was initiated by the Governor's Advisory Committee on Children and Youth. And this was much later; this was during the time that I was on the Youth Authority Board.

Morris: So, it's later in time. Were there earlier indications of particular problems that girls were having, while Warren was governor?

MacGregor: I don't remember. This study was done under a Rosenberg Foundation grant, which had been requested by the Governor's Advisory Committee on Children and Youth, and Dr. Charlotte Elmott of Santa Barbara was the director of the staff work.

If you'd like me to interject just one or two thoughts -- in the youth authority we felt that there were not proper provision for the girls between sixteen and twenty-four. I remember that the youth authority had jurisdiction to keep certain wards up to age twenty-five. And we did not have at Ventura School for Girls programs specifically designed for the older girl. In some cases the Institution for Women at Corona was better equipped to handle the older girls, but we didn't want to place them in a prison situation; that was the origin, and many recommendations came from this study. You asked what followed: In a very slow way many of the recommendations have been implemented. But still many things need to be done.

Morris: One of the people who apparently was interested in this whole area of corrections for years and years was Dick Graves.

MacGregor: Yes.

Morris: I wondered if you could talk a little bit about him and the governor. He was at the university and apparently helped with a handbook on the district attorney's office that Mr. Warren and Mr. May were very much interested in.

MacGregor: I didn't realize that Dick had been in on that.

Morris: We have some correspondence going back to '29 or '30, in which he comments on this, and an outline for the book that Ronald Beatty worked on. I believe that Warren's son in Sacramento has the manuscript.

MacGregor: Isn't that interesting. I didn't know anything about that.

Morris: There were several chapters that Mr. Warren was particularly interested in, including the history of practices of administration of justice going back to the Greeks and the Romans. It sounds like it would be a useful piece of work. But anyhow, Dick Graves recalled working on that with Mr. Warren.

What I'm interested in is that we get different opinions about Richard Graves and his relation to Warren. One is that Warren found him a good source of new ideas and a good person to brainstorm with about possible developments in state administration, and the other point of view is that because Mr. Graves was the executive director of the League of California Cities, he had a lot of political clout, and that Warren felt it was a good thing to remain on good terms with someone in this important a position. I wondered if you could comment on this?

MacGregor: I believe that he really liked and valued Dick Graves as a source of ideas and consultant. The relationship, as I recall, was very happy, until they got into this Christmas Tree Bill. There was the money that Earl Warren was hoarding, shall I say, for future contingencies of the state, and Dick Graves was the leader of a movement to get it distributed to the cities. I won't say that that breached their friendship, but it certainly created an atmosphere of tension.

Morris: Several years later Warren publicly apologized, and said that Graves had been right and that the cities did need the money.

MacGregor: Did he? I never knew that.

Morris: That we have on record. But I gather that this did not mean that they then resumed as close a relationship as they had had.

MacGregor: I don't know. I know that Graves is an extremely likeable person and a very bright man. I don't think the question of political clout ever entered into it. Mr. Warren had great respect for the importance of local government, and wanted to work with both the city governmental associations and the county government associations. I think Bill MacDougall was the executive of the County Supervisors' Association, and he was always a welcome visitor to the office.

Morris: This would, in a sense, be similar to the good relationship he kept over the years with the sheriffs' and the district attorneys' associations -- the various professional associations?

MacGregor: Not as direct, because he had no real authority. But one of mutual respect and understanding. Again and again in his speeches, Earl Warren would say that local government is the heart of good government in the democracy of the United States.

Morris: So, Dick Graves would also be a channel for Warren to keep in touch with what was happening in city government.

MacGregor: Correct.

Morris: I don't know whether one can sort out what Graves personally thought was a good plan and what the League of California Cities felt was a good plan, but were there ideas of his about local government and things the state could do to help that Warren particularly responded to, do you recall?

MacGregor: I don't recall. I just recall an ongoing cooperative relationship.

Morris: Wasn't Mr. Graves rather caught in the middle while he was director of civil defense, when then-Attorney General Warren challenged Governor Olson on civil defense during the 1942 campaign?

MacGregor: I'm unclear on that point.

Morris: You didn't get involved at all on the civil defense issue?

MacGregor: Well, I won't say that we didn't work on it, from the standpoint of Earl Warren's leadership of the law enforcement agencies, which were so important in preparing the communities for civil defense. And the fire chiefs -- because he was always studying what was happening in England during the bombing, and how we should organize to meet the same type of situation, if it should arise.

Morris: The civilian wardens and this kind of thing.

X WARREN AND POLITICS

Children and Families

Morris: Now, we really haven't talked much about your role in Warren's political campaigns. There was something about Warren's childhood home in Los Angeles and a picture taken in front of it.

MacGregor: I'm happy to do that. I've already handed you a memorandum that I prepared when I sent copies of this picture to the Youth Authority. This picture shows Earl Warren in such a responsive and loving attitude toward any children that happen to be near him, particularly the little, poorly clad, miscellaneous group that are shown in this picture.

Morris: This picture had been taken in 1942?

MacGregor: No, in 1946. When California began celebrating the centennial in 1946, the Jonathan Club, a big club in Los Angeles, of which Earl Warren was an honorary member, hired an old-fashioned stage coach and drove him to the house where he was born -- I believe on Turner Street. It's no longer in existence, having been torn down many years ago. It was near the old plaza -- a Chinese couple were living there at the time. It was arranged with them that they would give a little tea for Mr. Warren. As I say, the club members had the ingenuity to find a stagecoach and the horses to drive him to his birthplace.

Morris: That's lovely.

MacGregor: A group of children were attracted by the stage-coach, and when he came out they were waiting for him, and this, among many other pictures, was taken.

Morris: This would have been useful in the 1946 governor campaign, wouldn't it?

MacGregor: It wasn't used.

Morris: But it was taken in 1946.

MacGregor: Yes.

Then in 1955, when I was on the Youth Authority Board, I wanted the children in the Youth Authority institutions for the younger ones to have this picture of Earl Warren, so that they could sense his affection for children, no matter what their condition in life might be or their race. I love the picture of the little black boy with his face upturned.

Morris: Yes, he's obviously just fascinated to be near this big, friendly man. Well it's good to have the story of that picture, because it's a nice one.

MacGregor: Well, I wish I had been there, but I was told about it when the episode was over.

Morris: I'll bet Warren enjoyed it.

MacGregor: Yes, he did. Before I leave this subject, I think it's important that people know Earl Warren's very humble beginnings, and that he never shied from recognizing them.

Morris: Yes, I think he cites this quite often in his concern for social programs, like the health insurance legislation. In general, then, how did you participate in the campaigns?

MacGregor: I participated in the campaigns, chiefly in my overtime, in the handling of correspondence. We answered every piece of mail, and of course the thank you for contributions. I think that was my major contribution in the campaigns, from 1938

Helen MacGregor, about 1936, when in Alameda County district attorney's office.

Earl and Nina Warren. Ca. 1952.

Helen MacGregor at her desk. August 8, 1948.

MacGregor: on. But I never made any speeches, didn't do any of the organizing work for the campaigns, any of the campaigns.

I did do this memo on my work with Earl Warren, sort of at the eleventh hour in 1942, at Bill Sweigert's request.* He was then managing the campaign.

1948 Vice-Presidential Campaign

Morris: I understand that you traveled on the 1948 campaign train! We'd love to hear about that.

MacGregor: In 1948, in order to keep the state functions and the political functions separate, I went off the state payroll and onto the payroll of the national committee. I've forgotten how long that was, but it was during the period of the nominating convention and the campaign train. I think I went off the payroll of the state before the Philadelphia convention in June. I went back after the election.

Morris: Did you go to Philadelphia?

MacGregor: Yes.

Morris: Can you describe that for us?

MacGregor: I think the best description of it was the joke about the name of the hotel, the Bellvue Stratford. It was referred to as the Bedlam Stratford! At any rate, it was bedlam. I never was in such a time of confusion as in the first day or so of the convention. Our suite was up in one of the upper stories of this hotel. And people pouring in, wanting to see the governor. And of course,

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*See Appendix A.

MacGregor: he wasn't there; he was over at the Hotel Warwick. Finally, we all moved over to the Warwick Hotel.

Morris: Oh, in other words, the California party was in two physical locations?

MacGregor: Yes. The office was in the Bellvue Stratford hotel. Those of us who had our rooms in the hotel didn't move, but the office functions moved over to the Warwick Hotel.

Morris: Where Warren's suite was?

MacGregor: And they were set up in this office where Pop Small and Fred Bagshaw slept, theoretically.

Morris: Who was Fred Bagshaw?

MacGregor: He was a Republican friend in Marin County; he may have had a public office.

Morris: Who else from the Sacramento office was there in Philadelphia?

MacGregor: We had a lot of people there. Verne Scoggins and Bill Sweigert. We all had a most pleasant time on the train going to Philadelphia. The Warren girls were along. They always drew a lot of attention, because they were so pretty and gracious. At the convention itself, one of my jobs was handling the requests for interviews, television, and radio appearances for the girls and Mrs. Warren. Mrs. Warren never would make a speech, but she would join a group on television. Forty-eight was the beginning of the general use of television.

Morris: Very, very beginning, yes.

MacGregor: Requests were always coming in faster than they could be handled. The dramatic thing was the fact that the governor of Pennsylvania, Governor Duff, had the suite across the hall from the Warren suite. It's the habit of the press to watch all of the leading personalities at a nominating convention, and one day, early in the convention, I went dashing out of the office in which I was

MacGregor: working to get a note in to Governor Warren -- and I stumbed over something on the floor. Then I became conscious of what had happened. There were all these big cameras of the press and reporters crouching beside them, waiting to get a picture of either Governor Duff going over to see Governor Warren or Governor Warren going over to see Governor Duff.

Morris: And who was going to call on whom was considered significant?

MacGregor: Yes, particularly Governor Duff, considering the votes of the Pennsylvania delegation.

Morris: Did you have any sense of how things were developing, and what Governor Warren's chances were?

MacGregor: Governor Warren's only chances were in case of the development of a deadlock between Thomas Dewey and Robert Taft, and that deadlock never did develop. So, I think it was the third ballot that Dewey got the nominating votes, and I was not a bit unhappy about it. I was very much relieved that we didn't have to go through a presidental campaign and went to my hotel room, after a group of us went out and had dinner and some fun. Then I slept in the next morning, figuring that my only obligation was to pack up and go home, but when I went in to the Hotel Warwick, I was greeted by some of our friends who said, "What do you think about it?" I said, "What do I think about what?" Then the news was broken to me that he had agreed to accept the nomination for vice-president. So, that was that, and we had to prepare for the vice-presidential campaign.

Morris: You didn't think that he wanted to be president or you didn't think the time was right?

MacGregor: I believe he wanted to be president, but he knew that his chances were limited to the development of a deadlock, just as in 1952 those were his chances. But that wasn't to be.

Morris: Even though he had developed a very strong national reputation, both as a law enforcement officer and as governor?

MacGregor: One of the things that was said over and over again, after the election -- if the ticket had been reversed, the Republicans would have won.

Morris: Was the feeling in Philadelphia that California and the West did not have the strength to carry a nomination?

MacGregor: I don't think that entered into the picture; I think it was a question of whether or not Dewey or Taft had the strength. And, of course, it turned out that Dewey got the nomination.

Morris: That's interesting. So then you came back, and planning for the campaign must have begun almost immediately.

Campaign Train

MacGregor: Yes, it did. Pop Small had already been engaged to work in the campaign in Sacramento, and he went ahead and helped plan the campaign train, although he himself remained in Sacramento, as I recall.

Morris: I think so; assisting Goodwin Knight.

MacGregor: Yes.

Morris: And Verne Scoggins had a man in Oakland that he hired, didn't he?

MacGregor: Yes, Dudley Frost. He was the captain of the train, if you can use that expression. Dudley Frost, I think, engaged most of the people for the train. We took quite a few of our staff along, but beyond that, he built that organization.

Morris: And Verne Scoggins stayed in Sacramento?

MacGregor: Oh no, Verne was on the train. Verne Scoggins and Bill Sweigert were on the train.

Morris: And what was your job on the train?

MacGregor: My job was mostly secretarial. The procedure each day was that the train went into a state very

MacGregor: early in the morning. Sometimes we'd lay up, and the train wouldn't move for many hours during the night, and we'd go into the next state fairly early in the morning, and the VIPs of that state would get on. Senator Knowland was in chargeof the reception of the VIPs, and sometimes people would attempt to crash the train --

Morris: At that point?

MacGregor: Right. He would have the responsibility of working that out, for which I was very thankful. Then I would see that the guests for the day were comfortable, and take them to the dining car for breakfast and take them to the lounge, which was in the same unit of the train as my little office. And then after they were settled, Senator Knowland had the primary responsibility, and the governor and Mrs. Warren would greet them; then the governor always had to work on a speech for that night.

Morris: Oh my. Was Sweigert working on speeches with him?

MacGregor: Yes. And then we had some speechwriters on the train, who were terribly frustrated people.

Morris: [Laughs] I bet they were. They didn't know about Warren's way of working.

MacGregor: Right. However, they were paid for being there, and they did their best. I would take Governor Warren's dictation and transcribe it, and that was often a very delightful thing, because he's a slow dictater, and I'd have a chance to look at the beautiful country that we'd be passing through.

Morris: Were there things from Sacramento that would be sent out to him, that he needed to handle?

MacGregor: I don't believe so, because when the governor is absent from the state, the lieutenant-governor has the full power of the governor.

Morris: So this was purely matters relating to the campaign.

MacGregor: Yes. One of the amusing episodes on the train was in Pennsylvania. The Republicans in Pennsylvania were headed by Senator Martin, a distinguished gentleman, and of course, Governor Duff. There were also a number of very -- the words that comes

MacGregor: to my mind is 'ponderous' women, dripping with orchids, and wearing diamonds, and very grande dames, in the best sense of the word. Well, after we were well under way, and I'd gone back to the office to do some typing, a little lady poked her head in the door and said, "Can I come in?" And I said, "Surely." She said, "I'd like to talk to you. You look real."

Morris: Oh, isn't that sweet.

MacGregor: We've been friends ever since. She was a prominent Republican, but she was a social worker in the schools of Lebanon. And she was, you know, just uncomfortable in this high society atmosphere that was prevailing.

Morris: It's interesting that your recollection is that there were a number of these grande dames. In the advance man's handbook that Verne Scoggins gave us, there's a last-minute policy note that "proper, though small, representation of women must be aboard with VIPs."*

MacGregor: [Laughter] That's marvelous. Yes, when we would get to the destination of the night --

Before I talk about that, I'd like to speak about the whistle-stops -- where people would gather, and the governor would make a brief talk. His famous story about Benjamin Franklin and the little old lady was told again and again, and it became a great joke among the press people on the train.

Morris: I don't know that we've heard that.

MacGregor: Haven't you? Briefly, it is the story of the end of the Constitutional Convention, when a

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*Advance Man's Manual, Governor Warren's Campaign Tour", memo dated September 6, 1948. In Verne Scoggins' papers in Earl Warren Archive, Bancroft Library.

MacGregor: little old lady approached Benjamin Franklin, and asked Mr. Franklin, "What have you given us?" and he replied succinctly, "A republic, if you can keep it." And that was the theme story of the whistle stops. And of course, after you'd heard it a great many times, it became kind of funny, and the man on the train would make all kinds of cracks about it, but it was good because the people who heard it hadn't heard it before.

Gifts would be presented -- flowers for Mrs. Warren and the girls. Oscar Jahnsen and I had a system worked out, whereby he and the main security unit would get the names of everybody who presented flowers or gifts, and they'd do their best to get the addresses and a notation as to the character of the gift. Then he'd turn the memo over to me, and the girls and I would do the thank-you letters.

Morris: You've mentioned the girls a couple of times, both in Philadelphia and on the train. This photograph that we have shows a couple of young boys. Are those some of the Warren sons?

MacGregor: The Warren sons had nothing to do with the campaign. Ever. Oh well, this may have been when we were starting out. I think that may be Bobby there.

Morris: The crew-cut lad.

MacGregor: And I think a couple of the others are there too.

Morris: This was taken just about as the train came over the Oregon border into California -- that would have been on the way back home, wouldn't it? That was the note that Mr. Scoggins attached to it.

MacGregor: I see. Well, there was another picture taken before we started. Yes, the family had flown up and met the train at some point on the return journey. I should tell you that we had on the staff Marguerite Gallagher, Marguerite Magee, Hortense May from the governor's office.

Morris: They're in a row there with you?

MacGregor: Well, Mrs. May is with me. Then we had some people who were provided us in New York, from the Dewey staff. But I don't know whether any of them were this far along. I think that's Mrs. Scoggins. She probably flew up too.

Morris: This would be the first Mrs. Scoggins?

MacGregor: Yes.

Morris: So, the boys only showed up for short periods?

MacGregor: Well, I wouldn't have known that they turned up at all, if I hadn't seen Bobby's picture there, because they kept themselves aloof from the campaign.

Morris: The boys did?

MacGregor: Yes.

Morris: Why was that?

MacGregor: They just thought it had no part in their lives, I guess. Apropos of the boys' non-relationship to the campaign. When Earl Warren had just received the nomination for vice-president, he phoned back to Sacramento to tell the boys, and Bobby was on the line, and he said, "Son, I've received the nomination for vice-president." There was a silence, and then Bobby asked, "Is that good, Dad?"

Morris: That's lovely. How old was he at that point?

MacGregor: Thirteen or fourteen.

I should describe the situation on the arrival at the evening's destination. There would be a brass band, music; there would be more orchids presented; there would be a procession, and it would include a car for me and the girls who handled the working part of the evening, and we'd get there ahead of the Warren party, and a room or suite would be assigned to us. Telephones would be set up, and we'd go right ahead with our secretarial work.

Morris: That must have been a very wearing experience. That was what -- three or four weeks?

MacGregor: Almost four weeks. We did not have to work on Sunday. The governor would not make any speeches on Sunday.

Morris: So the whole trainload of you would just have a day's layover -- without traveling?

MacGregor: A day of rest -- yes.

Morris: You mentioned the press. Was there a press corps that traveled along with you? Were they primarily favorable to Warren, or did they have various leanings?

MacGregor: Yes. I think that they were primarily favorable, but as you know the press always have a tongue-in-cheek attitude.

Morris: Even in those days?

MacGregor: Oh, always.

Morris: Do you recall any in particular who traveled on that trip?

MacGregor: No, I don't. I'm sorry.

Morris: Were there local Sacramento or San Francisco people or were they the national corps?

MacGregor: I think they were national, on the whole. Well, Verne would know that, I don't.

Morris: I didn't think to ask him, I should have.

What kinds and sizes of crowds were there? Did you go to many of the --

MacGregor: I didn't go to any of the evening meetings. The reaction of the people who came to the whistle-stops was one of great seriousness, and I had the feeling that we were looking into the face of America; they hadn't made up their minds, but here was a candidate for national office that they had the chance to listen to, and they listened quietly and respectfully, and I should say, on the whole -- noncommittally.

Morris: That's a good American approach.

Mr. Scoggins said that there was one man on the staff who looked enough like Mr. Warren so that he could be --

MacGregor: That was Pop Small.

Morris: Well, in addition to Pop, he said there was another man on the security staff who looked enough like Warren so that they would get Warren inside the train and have this other man out on the back platform waving his hand, in case anything untoward might happen.

MacGregor: I'd forgotten that. I don't remember who that was.

Morris: As you came back into California, was there a more positive reception?

MacGregor: Oh yes. Well, I won't say that the reception was not positive; it was good. Not having been at the evening meetings, when he made his talks, I don't know how those worked out. But I think they were good. I remember a lovely turnout in various places -- parades, and that was one of the amusing things -- that I would find myself, as part of the parade, bowing and smiling at people. [Laughter]

Morris: Certainly! That's an interesting reaction. So that train wound up when -- how close to the election?

MacGregor: I have a feeling it was around the fifteenth of October.

Morris: So that just left a couple of weeks until election day.

Was there any sense of tension around the office as election day drew near?

MacGregor: There was a greater confidence of victory than I recall in any other campaign.

Morris: Isn't that interesting?

MacGregor: All the polls showed the Republicans were going to win. Never before in our campaigns had I ventured to prophesy how they were coming out, but this time I said, "We're going to win." And that was the time we lost. So since then I have never prophesied the outcome of a campaign.

Morris: No, one wouldn't after an experience like that.

That was the same year that here in California Proposition Four was on the state ballot, which re-arranged the State Department of Social Welfare.

MacGregor: I've forgotten the sequence.

Morris: It also names Mrs. Williams as the director. I wondered if the fact that Warren and those closest to him were working so hard on the vice-presidental campaign, if that could have contributed to lack of attention which made it possible for that social welfare proposition to be passed.

MacGregor: That's hard even to speculate on. The timing suggests that that might have had some connection. At least the governor might not have had the opportunity to take part in the campaigns on the initiative measures, but I don't think he often did. You might ask him that question. My feeling is that McLain, of whom you've heard, had built up such support for this proposition that it just had to win.

Morris: What about election day in 1948 and the day after?

MacGregor: We were in San Francisco, I think at the St. Francis Hotel, and the early returns began to show Truman's lead. We thought, when the later returns came in, from the country as a whole, that Dewey would win. The early returns were from the big cities -- where there were the Democratic majorities, but the trend, once established, never altered. I remember around eleven o'clock, we gathered in the Warren suite, and we weren't particularly glum, but we wondered how it was coming out.

Then, about 11 o'clock the next morning, the governor made a statement conceding the election. I've forgotten what he said. But with his characteristic

MacGregor: philosophy, he turned back to his work as governor, and gave it his full attention.

Later Campaign Issues

Morris: And went on to run again for governor in 1950.

MacGregor: Yes.

Morris: During the 1950 campaign -- there was more verbal objection to Warren from within the Republican party than earlier, and a fairly strong effort in the South to try to run somebody else. I wondered if --

MacGregor: That somebody else was Governor Knight.

Morris: Goodwin Knight was interested in running for governor in 1950 and so was Tom Werdel.

MacGregor: Yes, Tom Werdel in Bakersfield. And I don't have a very clear recollection -- there was a good deal of feeling about Tom Werdel and considerable animostity on his part toward Earl Warren. Beyond that, I don't recall the tale.

Morris: What I was wondering was if this growing opposition to him in the Republican party had any effect on the operation of the governor's office and his administrative ideas in those final three years.

MacGregor: I don't believe so. [Pause] Always there had been some opposition from the Republicans, because the governor maintained a truly non-partisan administration. And some Republican leaders did not have the control that they wanted to have.

Morris: Did the tightening of state finances as reserves began to fall short of projections in the late 40s produce criticism from Republicans, or cause Warren concern?

MacGregor: Well, I had practically nothing to do with state finances.

Morris: In general, did you share in evaluation or strategy discussions about the political aspects of the governor's activities?

MacGregor: I did not share in discussions of political strategy. In office meetings I shared in strategy discussions, but their political implications were not a determining factor. Governor Warren did what he believed was right and the political consequences had to be accepted.

XI IN CONCLUSION

MacGregor: I'd like to conclude with one brief episode after Earl Warren was chief justice. In 1954, on some date in August, a group of us who had been with him, some in the district attorney's office, some in the attorney general's office, and some in the governor's office -- gave a dinner for him and Mrs. Warren at the Oakland Women's Athletic Club. And it was a very, very happy occasion. As in our last reunion in 1970, we always welcome the opportunity to see one another, as well as the Chief Justice and Mrs. Warren. At the close of the dinner, Mr. Warren made a moving speech, in which he said that without our help he never could have accomplished the work that he had been permitted to do. "For one thing," he said, "never once, did any of you let me down by saying anything or doing anything that would be a disadvantage to me. And the fact that you all did your work with fidelity and resourcefulness and effectiveness was what drew the president's attention to me and the invitation to become chief justice."

What we tried to tell him was that without his leadership none of our lives could have had the significance that came from working on his staff.

Morris: That's what people mean, I think, when they say that the whole is greater than the sum of its parts?

MacGregor: Yes.

Morris: All of you together put that little bit extra so that, really, marvelous things happened.

MacGregor: At our dinner in 1970, Bill Mailliard said something that I think should be included. He said that he felt that his life had been enriched and motivated, because it had touched Earl Warren's. And Bill had been on the staff for only a short time in Sacramento.

So, it really was a great adventure in government. They talk about the shining hours in the Kennedy administration as Camelot, but in retrospect I think we had our Camelot to a greater degree.

Morris: You had the great good fortune to have the ten years in which everything had a chance to develop and see the results of some of your work.

That's lovely. Thank you.

MacGregor: Well, that's all I know.

END OF INTERVIEW

During the period when these interviews were being recorded, Miss MacGregor's thoughtful review of her years of association with Earl Warren was published in the California Law Review's January, 1970, "Tribute to Earl Warren." It is included in the present volume as Appendix E.

Transcriber: Jane Burnett
Final Typist: Gloria Dolan

MEMORANDUM REGARDING EARL WARREN

Earl Warren was an outstanding District Attorney because of the forthright, vigorous, and fearless manner in which he performed the duties imposed by law upon him as District Attorney of Alameda County; but his work was greater than the fulfillment of this legal trust.

The importance of his work lies in his statesmanlike conception of the part local law enforcement, all local government must play in a democracy. In an address before the Supervisors Convention of California, delivered June 19, 1940, he said:

> "In these days of world turmoil, propaganda and hatred, every serious question has arisen in the minds of people throughout the world. That question is whether democracy as an institution can survive in a world of dictatorships. I am a great believer in local self-government. I believe it is the very essence of democracy. Needs that are served by local government are the most intimate of all. It is human nature for people to form their opinions of government from their contacts with it. If satisfied with their local and their state governments, they will have confidence in democracy and make it comparatively easy for any national administration to guide our ship of state through the troubled waters of a very stormy world. It is your duty and mine to keep the people of this state satisfied with their government and to give them confidence, the confidence to believe that we are ready, able and willing to take care of their needs."

This viewpoint is not a new one, forged under the impact of the destruction of democracy elsewhere. On the contrary, it is a statement of the fundamental philosophy of government which is implicit in his entire career as a public official.

While recognizing the great importance of local government, he has not been blind to the weakness of a multiplicity of local units when dealing with problems of more than local scope.

Whenever that weakness existed he has sought to remedy it --- not by centralization of administration in the State or Nation --- but by strengthening the local units and at the same time developing a machinery to aid and coordinate their activities on a statewide basis to deal with problems of more than local concern. In the law enforcement field, his answer has been the State Department of Justice.

In the late 1920's and early 1930's, the organized underworld had the American people terrorized. Criminals had good weapons, high speed transportation, a nation without barriers to rapid travel, and resourceful leadership. To deal with this appalling power the American people had some 40,000 police agencies and several thousand prosecuting agencies. The police, sheriffs and district attorneys had limited territorial jurisdiction. They were handicapped with archaic laws, untrained staffs, lack of public confidence. No officer was charged with coordinating their activities. As a result, desperate killers, such as Hickman, were able to travel the length of California without apprehension. Mr. Warren told this story to the Kiwanis Convention in 1938:

> "Some years ago in Los Angeles, a little girl was kidnapped for ransom from a public school and was so brutally murdered as to terrorize the parents of every school child in the State. Within a remarkable short time, the Los Angeles police solved the crime and announced to the world that the murderer was a young man named Hickman. They supplied his photograph, gave his fingerprint classification as well as other identification data, to the extent of the make, model and color of his automobile. An enormous reward was offered for his arrest and conviction. Circulars were sent out, the newspapers carried the most complete information concerning him, and it was generally believed and stated that he had fled from Los Angeles. So intense was the feeling that I doubt if there was a police officer in California who would not have risked his life to capture the murderer. But in spite of this fact, Hickman drove his car the entire length of California without a police officer lay-

a hand on him. Furthermore, he crossed the State of Oregon and was finally identified and arrested at Pendleton, Oregon, by a cowpuncher who recognized him from a newspaper picture."

Organized gangs of kidnappers held the country in the grip of fear.

Mr. Warren's analysis of the weaknesses in American law enforcement led him to the conclusion that certain constitutional changes to remove archaic restrictions in criminal procedure and to provide for a State Department of Justice under the Attorney General would enable our peace officers to better protect life and property. In 1934, with the cooperation of the State Chamber of Commerce, the service clubs, and other public-spirited groups, he sponsored four constitutional amendments by initiative, none of which altered the essential structure of local government. One of these restored the Attorney General to the historic position of Chief Law Officer of the State and laid the foundation for a State Department of Justice. Mr. Warren said in the course of an address to the American Bar Association in 1935, (Reports of American Bar Association, Vol. 60, p.211, at p. 217.)[3]

> "Fully developed, the plan contemplates that in every state of the union, the attorney general shall have the specific duty of seeing that the law is adequately enforced through a department of which he shall be the head, and which will have supervisory powers over all state and local law enforcement agencies under normal conditions and certain direct enforcement powers for use when local law enforcement fails."

Again developing this theme in addressing the Kiwanis Convention previously referred to, he said:

> "It will not revolutionize law enforcement methods, neither will it change our theory of local self-government, but properly administered, it should have a direct tendency to bring order out of chaos, and to assist local authorities

in coordinating their activities in all criminal matters of more than local importance.

"If it does no more than to furnish a sympathetic contact with the Federal Department of Justice and with the other states of the Union in their efforts to suppress organized crime; if it merely has a tendency to bring about more uniform police and prosecution methods; if it can iron out even some of the misunderstandings that inevitably develop between law enforcement agencies in the heat of battle; if it has a tendency to relieve the local authorities from some of the demoralizing local political influences which continually harass them, if it simply upholds the hands of the authorities when they are right and accurately informs the public when they are wrong; in short, if it becomes only a moral and educational factor, as distinguished from an administrative factor, in law enforcement matters, the experiment will have been justified, progress will have been made, life and property will be more secure, and the cause of justice will have been better served."

The constitutional changes of 1934 have not been his only legislative effort in behalf of strengthening local law enforcement. During all the years that he was District Attorney of Alameda County, and later as Attorney General, he has watched all bills affecting law enforcement introduced in the State Legislature. Working with the Statewide associations of peace officers, sheriffs, and district attorneys, he has sponsored bills to improve criminal procedure; to permit intrastate pursuit of criminals; to adopt the Interstate Crime Commissions Uniform Acts on extradition; interstate pursuit of criminals, rendition of witnesses across state lines in criminal proceedings, and interstate supervision of parolees and probationers. More recently, he has been a proponent of the uniform bills sponsored by the Federal State Conference on Law Enforcement Problems of National Defense, the most important of which was the Uniform Sabotage Prevention Act. These bills have been passed and have given peace officers and district attorneys better tools with which to work. With these same groups, he has opposed the bills introduced by the resourceful enemies of law enforcement. The

legislative program of the Peace Officers of California has been remarkably successful under his leadership.

Another means of strengthening local law enforcement has been the program he has fostered as Chairman of the Advisory Committee for Peace Officers Training. He believes that police work is potentially a profession--and by some officers it has already been raised to that dignity--and has developed every means to train men and raise the standards of police work. An impressive program has been developed with the aid of the State Department of Education and the Federal Government under the George Deen Act. A two-week summer school, one in the North and one in the South, zone training schools for rural districts, and schools within the larger departments, have given training to thousands of California officers.

Again, he has strengthened local law enforcemsnt by being the friend of the men in the departments--working with them in their associations and pleading their cause to the public. In his speeches, he has pictured the tremendous problems with which they have had to deal; the mushroom growth of our American cities since 1850 and later; the youth of the departments; the handicaps of political pressure. He has pleaded for better understanding, more sympathy for the officers, and public support of them when their hands have needed strengthening.

HELEN R. MACGREGOR

HRM:P

DORA SHAW HEFFNER, J.D., S.S.A.D.
DIRECTOR OF INSTITUTIONS

EARL W
GOVERNOR OF CA

STATE OF CALIFORNIA

Department of Institutions

SACRAMENTO

February 26, 1945

Miss Heler MacGregor
Secretary to the Governor
The Governor's Office
State Capitol
Sacramento, California

Dear Miss MacGregor:

In accordance with your request that I outline the salient points to a mental health program for this State I am submitting the following which is an elaboration of the recommendations of the Committee on Mental Health appointed by Governor Warren in August 1944.

I. That the title of the Department of Institutions be changed to the Department of Mental Hygiene. The trend throughout the country definitely indicates a broadening of the scope of activities of departments such as ours beyond a mere business administration of institutions to include large scale extramural activities along the lines of preventive work, treatment of incipient cases and after care of paroled and discharged patients. The present title of this department would not adequately describe these functions. A well rounded and constructive mental health program includes, in addition to the care and treatment of persons who are already mentally ill or mentally defective, a program of early diagnosis and treatment, teaching and research and prevention through education or other means. Institutional care is only a phase, although a very important phase, of that program. It is not, however, the whole program. To make the title of the department conform to a complete mental health program as here conceived, and to have it adequately describe its functions it would be most appropriate to term this the Department of Mental Hygiene as it is called in New York, Massachusetts and other states.

II. The establishment of the position of Medical Deputy Director for the Department of Mental Hygiene to be assumed by a psychiatrist of adequate training and experience is a necessity. Nowhere in the present organization of the central administrative office of the department was provision made for a psychiatrist. Perhaps any weakness in the existing structure of the Department of Institutions lies in the fact that standards of treatment receive less attention than standards of business administration. While uniformity in the fiscal and other business operations of the institutions is assured through central office control,

the development of any mental hygiene program, both intra and extramurally, continues to be almost entirely dependent upon the progressiveness of the individual hospitals. A Deputy Medical Director as assistant to the Director of Institutions could correlate all of the various clinical and therapeutic activities of the department, both through the institution and in the community. The establishment of such a position as a permanent one by means of civil service would assure a continuity of the professional program of this department heretofore not enjoyed. It would, at the same time, enable the State administration to appoint the Director of the Department to represent the public, as it were, in the affairs of the department.

The qualifications of such a Deputy Medical Director would, of course, be sufficiently high to be recognized by the members of the profession. He should be a physician certified by the American Board of Psychiatry and Neurology with an adequate background in psychiatry, both in its clinical and teaching aspects. The establishment of such a position is regarded as essential to the future development of this department.

III. The Langley Porter Clinic should be enlarged to meet the greatly increased community needs. This clinic, the most recent of the institutions established by this department, came into being to meet a three fold need--teaching, research and early diagnosis and treatment. Some gratifying results have already been achieved but not on a scale commensurate with the greatly increased community needs. It was anticipated that the work of this clinic would expand as soon after its establishment as administratively feasible. That time is now at hand.

IV. A psychiatric hospital clinic similiar to the Langley Porter Clinic in San Francisco is needed in Los Angeles. The functions of that hospital would be similiar to those of the Langley Porter Clinic namely:

(a) Prevention of mental disorders to be accomplished by the work of the outpatient department.

(b) Early diagnosis and timely application of the necessary medical and surgical treatment, thus raising the recovery rate of mental disorders and avoiding as far as possible the destiny of insanity and commitment for the patients thus dealt with in the incipiency of their illness.

(c) Provision hitherto largely lacking of professional training in the field of psychiatry and mental hygiene for medical students, physicians, nurses, psychologists and psychiatric social workers, in cooperation with the medical schools and other departments of local universities.

(d) Provision, also in cooperation with local universities, of facilities and opportunities for scientific research in neuropsychiatry.

V. To initiate a program of prevention and early treatment the establishment of four community psychiatric clinics is recommended. It is contemplated that each of these clinics would be conducted by full clinical teams consisting of at least one psychiatrist, one psychiatric social worker and one psychologist as well as the necessary clerical help for each unit. The purpose of these units would be to offer psychiatric care and attention for mental cases in their incipiency who for the most part, do not require hospital care. It should be emphasized that such a program is only a bare beginning. The National Committee for Mental Hygiene recommends one such unit for every 100,000 population. On that basis California would require at least 30 mental hygiene clinics throughout the State, a development which is physically impossible in the immediate future due to the shortage of personnel. The justification for the establishment of publicly supported mental hygiene clinics is based upon the now accepted fact that mental illness is amenable to treatment and can even be prevented. Our tragically overcrowded state institutions offer mute evidence of the absence of such foresight and will continue to remind us for some time to come of the extravagance of such a shortsighted policy in the past.

Very sincerely yours,

Dora Shaw Kelfner

DORA SHAW KELFNER
Director of Institutions

STATE OF CALIFORNIA

DESCRIPTION OF DUTIES AND RESPONSIBILITIES
STATE ADMINISTRATIVE OFFICIALS and MEMBERS OF COMMISSIONS

Number

(1) Name of Employee	(2) Title of Position or Office
Helen R. MacGregor	Private Secretary
(3) Name of Department or Commission:	(4) Division or Unit
Governor's Office	
(5) Name of Immediate Superior	(6) Title of Immediate Superior
Mr. James H. Oakley	Executive Secretary

(7) Description of Duties and Responsibilities:

Per Cent of Total Time	(a) Describe your present duties and responsibilities within your own organization, department or commission:
	Preliminary statement: My work is difficult to describe accurately because it is essentially one of giving service to the Governor and to the public as situations develop. Some days my entire working day is taken up by telephone calls and interviews, requiring me to work overtime to perform the essential routine duties. Other days it is possible to devote practically all my time to regularly assigned work. My estimate of time devoted to various duties is a rough approximation and on a yearly basis.
1/6	Duties and responsibilities: Receive phone calls, interview people, supervise reception, appointments, and calendar unit. These either come to me personally or are for the Governor when he is unable to give time to the person calling. If the matter falls within the work of another Secretary, the call is referred. If the person may appropriately be referred to another official of State government, an appointment is arranged. If the matter requires consideration by the Governor, all necessary information is obtained and digested with my recommendation, and the appointment arranged. If the matter can be handled by correspondence a letter is drafted for the Governor's consideration.
	In accordance with statute, sign receipt for bills passed by Legislature and perform other incidental duties.
1/4	Process correspondence and documents for Governor's signature. All documents are checked to make sure supporting material is presented; the document goes to the Governor initialed by me as in order for signature. During the bill signing period after Legislative session, as a lawyer member of the staff, assist the Legislative Secretary in preparing files for Governor's consideration. Review letters for Governor's signature with respect to form, general appropriateness, and supporting material and submit to Governor
1/12	Supervise handling of mail addressed to Governor marked personal. Handle confidential matters which come to me by virtue of my position and previous relationships with local and federal governmental agencies, and those referred to me by the Governor.
1/12	Handle for the Governor all correspondence of a semi-personal nature and where possible prepare answers for submission to Governor.
1/12	Assist Mrs. Warren in handling such correspondence as she receives because of the Governor's official position.

1/12 Fulfill special assignments of Governor.
Fulfill special assignments of Executive Secretary

Work with Departmental Secretary on matters described under 7(b).

As a bonded member of staff, sign financial papers and approve all financial papers of State Disaster Council before presentation to Department of Finance.

Represent the Governor at meetings when directed to do so by him.

Keep the Governor advised as to interests of statewide women's organization in state governmental problems; clear with him matters presented by them; keep him and staff members and
1/12 directors of State departments informed as to their legislative programs. This assignment also includes the Congress of Parents and Teachers.

As an instance, the President of the State Business and Professional Women's Clubs presented the organization's recommendation that counseling services be offered women wanting to start small businesses, many of them wishing to capitalize a domestic skill. Out of this grew the Business Opportunity Show at the State Fair and other developments.

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(7) Description of Duties and Responsibilities: (Continued)

Per Cent of Total Time

(b) Describe your present duties and responsibilities with relation to other units or departments in the organization:

Assist the Departmental Secretary in handling the work of this office relating to the following departments of State Government: Education; Mental Hygiene; Public Health; Tehachapi Institution for Women; University of California; and Youth Authority. I am charged also with the responsibility of keeping the Governor informed concerning new developments and literature in these fields. I work closely with the Directors of these departments and digest information provided by them for information of Governor and other Secretaries. Prepare issues in these fields to point of final determination by Governor. This involves getting recommendations and drafts from the Department Director and arranging appointments with Governor. If appointment not necessary, communicate his decision to Director and our staff.

(c) Describe any occasional or limited responsibilities and assignments which you have in addition to the above:

Follow work of the Youth Committee either by attendance at meetings or conference with Mr. Holton, Director of Youth Authority, and the Chairman of Committee; of the Mental Health Committee by attendance at meetings or conference with Dr. Tallmon, (Director
1/6 of Mental Hygiene), or Chairman of Committee. In 1949, I did the
Applies to staff work in Governor's Office for Conference on Mental Health.
b and c As working with Youth Committee and Mr. Holton in planning for the White House Conference on Children and Youth in December 1950. (cont (on attached sheet)

(8) Supervision Received: Describe the kind and extent of supervision exercised over your work, describing in what detail assignments are made and instructions given to you, and what decisions are made for you:

Supervision is received from the Governor and the Executive Secretary. Assignments are given in terms of purpose to be accomplished or problem to be explored. If it is a new problem requiring executive decision, my responsibility is to gather all relevant material, digest it for the Governor, and follow through after he has determined policy. On matters where his policy has been previously determined, follow through on my own initiative or after conference with Executive Secretary.

(9) Responsibility for Supervision Exercised:

(a) Name the department or organization units supervised by you:

Reception Unit, Appointment Unit, and Calendar Unit.

(b) Describe the main functions carried on under your direct supervision:

The reception of visitors, the reception of telephone calls, making appointments for the Governor and the preparation of his calendar and supervising such work as is incidental to my other functions described herein. It is the duty of the appointment unit to gather full information concerning each appointment.

(c) What is your present annual salary:

$3,900.00

(d) What perquisites and expense allowances are you entitled to receive?

Travel Expenses.

(e) Name the average number of employees supervised by you:

Five

(f) Indicate the amount of your budget for the present fiscal year:

Included in General Office Budget (2)

7 (c) Continued

Am assisting departmental Secretary in following up on recommendations of Employment Conference Section on Community Responsibilities in Doveloping Self-Employment for Women. In 1948, initiated planning for Business Opportunity Shows at the State Fair. (See answer to 7a) This required conferences with officials of the Department of Education; Industrial Relations; Veterans Affairs; and State Fair; and with State Federation of Business and Professional Women's Clubs, which was the lay group sponsoring the show.

(9) Responsibility for Supervision Exercised: (Continued)

(g) Describe the nature, extent and breadth of your supervisory responsibilities, including your supervision for planning, making assignments, giving work instructions, reviewing, coordinating and exercising direction or supervision of the above employees and their work activities: Assume duties of Executive Secretary in latter's absence. Supervise receptionist and appointment and calendar units (Exclusive of invitations), and secretary-stenographers working under my direction. Interview applicants for positions on stenographic and clerical staff, after screening by office supervisor. Assist Executive Secretary in working with office supervisor on personnel matters.

(h) Describe briefly how you transmit your instructions and directions to the employees you supervise (verbal or written instructions, use of bulletin board, meetings, etc.): Instructions are transmitted orally unless new procedures are established and in that event they are given in writing.

(10) Other Specific Responsibilities:

(a) Responsibility for Policies: Describe what you understand to be your responsibilities for carrying out, interpreting, developing, originating and approving department or commission policies, essential for efficient administration, operation and management in the units and departments.

To be constantly watchful to improve the way in which this office and the Departments of State Government may function more effectively, to report my observations, with recommendation, to the Governor if major policy is involved, and in other matters to the Executive Secretary.

(b) Responsibility for Methods and Procedure: Describe what you understand to be your responsibilities for following: carrying out, and interpreting, developing or establishing systematic and organized work operations through use of work methods, procedures, standards, and instructions.

To do my work in the office as directed by the Governor and the Executive Secretary but in the absence of the Executive Secretary, I assume his responsibilities in this connection.

(c) Responsibility for Materials and Supplies: Describe what you understand to be your responsibilities for the effective use and conservation of materials and supplies and expendable equipment used in your department or for preventing loss or damage to such equipment or delays in work in process.

To observe workmanlike standards.

(10) Other Specific Responsibilities: (Continued)

(d) Responsibility for Confidence and Trust: Describe what you understand to be your responsibilities for reliability, trust and discretion in handling materials, supplies, monies, processes or matters of a confidential nature:

To disclose them to no one except on the Governor's instructions.

(e) Responsibility for Cooperative Service: Describe what you understand to be your responsibilities for contacting and cooperating with executives and administrators in your own and other state departments:

In all my communications and conferences to communicate and interpret the Governor's policies in such a way as to obtain the maximum of understanding and enthusiasm in carrying them out.

(f) Responsibility for Records and Reports: Describe what you understand to be your responsibilities for supervising, preparing, keeping and reviewing specific work, operational and production records, reports, inventories, studies or other information necessary within your duties. List the specific records and reports which you make or review and indicate the nature and purpose of such records:

To reduce to writing in such form as may be appropriate, all matters handled by me.

(g) Responsibility for Machinery and Equipment: Describe what you understand to be your responsibilities for the proper use, operation, construction, maintenance, repair, test and inspection of machinery, equipment, buildings and institutions:

None, except my typewriter and dictating machine and those used by the people working under my direction.

(11) Do you wish to appear before the Committee? Yes..... No.X..

(12) The above answers are my own and cover my understanding of the duties and responsibilities of my position.

..... (Date)

.....
Signature of Administrative Official or Member of Commission

.....
Official Title

(4)

San Francisco 2
July 15, 1955

Mr. Jack Harrison Pollack
Hyde Lane
Westport, Connecticut

Dear Mr. Pollack:

My apologies for the delay in sending you the material requested in your wire. My work involves constant travel with little opportunity to write or to dictate. As a matter of fact, I am dictating this while driving between Los Angeles and San Francisco. By favorable chance, I have my secretary with me. Mrs. Earl Warren is a delightful person and after nineteen years of friendly association with her as secretary to her husband, I have only pleasant memories. This does not mean that all our times together were happy for we shared many anxious hours at the times of illness and death. No matter what the pressure or heartache, she never let her own controls slip so as to make it difficult for those around her.

The Warren home was always a pleasant place. When the children were little, the children's active voices were the mark

of the home. Christmas was the great festival of the year. Mrs. Warren established lovely traditions which I found when I went to work for Mr. Warren in 1935 when the home was at 83 Vernon Street, Oakland. There was a large rumpus room in the basement. There, each child had his own Christmas tree in a size appropriate to his years. The youngest was a baby and the oldest, Jim, was about 14. Six small trees, surrounded by six stacks of presents, were ready on Christmas Eve.

Between Christmas and New Years, another traditional event was the party for the Shrine band of Kahtoa Temple, of which Mr. Warren was a member. Band members dressed in costumes as amusing as could be contrived and came in an antique and noisy fire-engine. The band would serenade in front of the house for a while and all would then make a merry entry to the rumpus room. This was a happy event, not only for the Warren family and the band, but also for friends of the family. We would be invited more than enough in advance so that we could plan our holidays to include it. There were friends of all ages, ranging from the 80's down to early childhood. The merriment was all inclusive. "Do you remember the Christmas calls of the Shrine Band?" is an open sesame to happy reminiscences when old friends of the Warren family meet.

When the Warren children were small, Mrs. Warren devoted her

entire time to homemaking. One day when Virginia Warren was about 3 years old, she was permitted to answer the phone and was heard to say, "Oh no, my mother can't come. She doesn't have any time to attend meetings. She is too busy taking care of us children." Mrs. Warren was always considerate of her help and worked much harder than she asked the housekeeper to do. Honey-bear was heard to say, "When I grow up, I'm going to be a maid rather than a mother because then I can rest in the afternoon."

Mrs. Warren believed that the children should have snacks available when they returned from school. Her cakes and cookies were delicious and always on hand, together with the makings of milkshakes and fruit drinks. Sometimes, I would work with Mr. Warren at his home in order to be away from the interruptions of the office. In the middle of the afternoon, Mrs. Warren would bring a tray of orange juice with a generous piece of cake. Working in the Warren home seemed more like a social occasion.

Mr. Warren always worked long hours, frequently staying at the office until seven o'clock. When he would come home, the children would be fed and tucked away. Mrs. Warren would prepare for him a steak dinner or some other delicacy which she knew he liked. I have always felt that the tremendous flow of energy with which Earl Warren worked was in large part due to the freedom from tension

in the home, the adoration given him by every member of the family.

The Warren family was always in the public eye, with photographers taking pictures of the handsome, smiling family. By the skill and example of the parents, this was accepted by the children without becoming self-conscious or self-important. On the contrary, the attention lavished upon them created a sense of responsibility or noblesse oblige. To illustrate: The Warren family was occupying a box at a baseball game when a little girl started walking to the box and an attendant stopped her. Dorothy, sensitive to what was happening, stepped out immediately, walked some distance to explain that this was a friend and most welcome. In Sacramento, where the Warren children went to school during the eleven years of Earl Warren's service as governor, they never asked or even accepted any special consideration because they were the children of the governor.

It was my privilege to serve under Earl Warren in three different offices: District Attorney's of Alameda County, the Attorney-General's of California, and the Governor's. Invariably, Mrs. Warren won love and admiration of every member of the staff. She would prepare surprises for us, such as angel-food cakes on our birthdays. Above all, she was considerate of us and understanding

of the heavy load of work and responsibility which we carried.

The outstanding personal quality of Mrs. Warren is her inspired kindness. One day during the war, I met a mutual friend. The conversation ran something like this. "Did you hear what Mrs. [illegible] see how Mrs. Warren does it!" Not long ago, I sat next to her at a luncheon and we were talking about how difficult it was to get articles for the home. I mentioned how many stores I had gone to to try to find a dish pan, without success. Several weeks later, a package arrived from Mrs. Warren with a generous-sized dish pan and a preserving kettle to match.

When Mrs. Warren lived in Oakland, she had a housekeeper who was a member of a church where the women were organized in circles. Meetings were held in the homes of members. When it came Mrs. Jackson's turn to entertain, Mrs. Warren gave the party at her home, which was beautifully decorated by her, and served food which she personally prepared. This was a meeting attended by every member and numerous guests, filling the large residence on Vernon Street.

Mrs. Warren was a constant help to the secretarial staff in the Governor's office. A large amount of mail would be

addressed to the wife of the governor in an effort to have problems brought to the immediate and personal attention of the governor. She was always on the watch for situations where people were troubled and would call them to the special attention of the staff member. The harmonious and humane administration during Earl Warren's eleven years as Governor of California was helped by Mrs. Warren's unfailing humility. Mrs. Warren has a delightful sense of humor, not the story-telling type, but the perceptive flash of wit and amusement. Often she would send me a clipping or an anecdote with a memo attached, "This is your laugh for the day."

I trust that the foregoing will give you some sense of my feeling for Mrs. Warren and my regard as one of the truest friends in my life.

It is my recollection that I gave Irving Stone some of this material when he was preparing his biography of Earl Warren in 1948. This was published by Prentice-Hall. You may wish to refer to it.

Sincerely,

Helen L. MacGregor, Member
California Youth Authority

H:tt

cc: Margaret Bryan
Betty Foote

Adult Probation, Parole, and Pardon in California

HELEN R. MAC GREGOR*

California, like other states and nations, is working toward a resolution of her correctional problems. She is engaged in the continuing process of bringing into adjustment the ancient and still prevalent desire for vengeance, retribution, and punishment of the offender; the protection of society; and the rehabilitation of the offender through the use of probation, and his enlightened treatment while in confinement and when released. There is waste of human resources when the offender who is ready to live in society is kept in prison. To those who believe there is a divine spark in every person which potentially can be kindled, efforts to rehabilitate and the preservation of hope in the offender are essential to penology. Because we have no absolute answer, there are frequent swings of the pendulum between harsher treatment, expressed in the "get tough" policy, and intensified efforts at rehabilitation. Often both trends co-exist but in different groups.

Probation and parole are economically necessary if the modern state is not to be engulfed by the cost of building and maintaining prisons. To bring this aspect of the problem into focus, let us consider California's mounting prison population with relation to commitments. On March 31, 1960 the number of persons in prison was 20,057.[1] This is an increase of 758 over the prison population at the end of 1959, which in turn showed an increase of 3,923 over the population at the end of 1954, or a total of 4,681 increase since December 31, 1954. New commitments have mounted steadily from 3,638 in 1955 to 5,718 in 1959. The total number of new commitments since December 31, 1954 is 24,002.[2] From a purely economic standpoint, to avoid many more prisons and increasing maintenance costs, there is pressure to keep men and women from prison and, if committed, to get them out in as short a time as possible consistent with the law and the protection of society. To give an idea of the cost of building new prisons, the capital outlay for this purpose in California from 1946 to 1958 was $83,367,721, with an average cost per bed of $8,769.[3] The total cost of operating the Department of Corrections in the 1956–57 fiscal year was $26,085,865 and in 1957–58 it was $29,271,555.[4] It is thus evident that probation and parole must be used as instruments of penology. These statistics suggest an alarming increase in crime, but they must be seen in the perspective of California's heavy and consistent increase in population since the outbreak of World War II.

* Member of California Bar, Member of Governor's Advisory Committee on Mental Health, Advisory Committee on Children and Youth, and Alameda County Committee on Prevention of Juvenile Delinquency.

[1] Director of Corrections, *Report to the Governor's Council* (April, 1960, mimeographed).

[2] For source of figures see, Director of Corrections, *Report to the Governor's Council* (Dec. 1959, mimeographed). This report not only gives the annual statistical material but also a summary of accomplishments in 1959 and goals for 1960. For the latest printed material on movement of prison population, see State Department of Corrections, *Biennial Report*, 1957–58, p. 6. The figures in the Biennial Report are given as of the end of the fiscal year, whereas the Report to the Governor's Council uses the calendar year.

PROBATION

This article will be confined to a consideration of adult probation and will not discuss the extensive use of probation by juvenile courts. Adult probation was introduced into California's correctional system in 1903[5] and has been developed by statutory amendments and judicial interpretation.

What is California's definition of probation? The statutes governing it do not give a succinct definition. The Legislature has assumed that its nature is known and established the procedures in a series of sections authorizing, limiting, and regulating it.[6] From these provisions a definition is drawn in practice. The Legislature's concept of the purpose of probation is found with the statement of the conditions that may be imposed. "The court may impose and require any or all of the above mentioned . . . conditions and other reasonable conditions . . . to the end that justice may be done, that amends may be made to society for the breach of the law, for any injury done to any person resulting from such breach, and generally and specifically for the reformation and rehabilitation of the probationer . . ."[7] A judicial definition is given in these words:

"The granting of probation, aside from being an act of clemency extended to one who has committed a crime, is also in substance and effect a bargain made by the People through their legislature and courts with the malefactor. . . . The purpose and hope are, of course, that through this act of clemency, the probationer may become reinstated as a law abiding member of society. Removal of the blemish of a criminal record is the

[3] State Depart. of Corrections, *supra* note 2, p. 12.

[4] *Id.* at 32.

[5] *Probation in California*, prepared by The Special Study Commission on Correctional Facilities and Services, published by State Printer, December, 1957. For further information about Commission see *infra*, note 34. History of probation is reviewed on pp. 25–27.

[6] CAL. PENAL CODE § 1203–1204.

[7] CAL. PENAL CODE § 1203.1.

reward held out . . . The theory seems to be that if one with a reasonably satisfactory background commits a crime, the experience of apprehension and processing through court, together with the restrictions imposed through probation upon unlawful or intemperate conduct, may effect a greater degree of reformation than jail or prison confinement. . . .[8]

"Human salvage" is the way probation is described by the Honorable William B. McKesson.[9] He describes the judge, faced with sentencing a defendant for a serious crime, and weighing a complex of factors. "The victim wants revenge; the wife wants leniency; the district attorney wants punishment, the defendant wants mercy; society wants justice."[10] If the man can be restored to good citizenship without imprisonment, probation gives the judge the chance to deal justly and to act mercifully. For a judge to feel reasonably confident that probation is justified, he needs a good presentence investigation giving the man's history, his mental and emotional development, his present situation, the circumstances leading to the offense, his attitude, and an estimate as to the possibility of success on probation. The judge also needs the assurance that good supervision will be given the man—not only surveillance but also help in getting employment, keeping his environment wholesome, and solving his personal problems. In the language of social work, the judge needs good case workers to prepare the investigation and to supervise the probationer. Probation gives the offender hope and the opportunity for counsel and guidance. "We find all too many persons in our criminal courts convinced that nobody cares what becomes of them. Since society has turned its back on them it is small wonder that they strike back at that society and try to hurt those who have rejected them."[11]

Probation may be granted in those felony cases where it is not prohibited and in misdemeanor cases.[12] It means the suspension of the imposition or of the execution of sentence with conditions which may include a period in county jail or fine, or both, reparation, family support, work on public projects, etc.[13] In all but summary probation in misdemeanor

[8] People v Johnson, 134 Cal. App. 2d 140, 143, 285 P.2d, 74 (1955), quoted in People v. Municipal Court, 145 Cal. App 2d 767, 771, 303 P.2d 375, 378 (1956).

[9] McKesson, *Human Salvage*, 9 Calif. Youth Authority Q. 3 (1956). McKesson was for many years judge of the Superior Court, Los Angeles County, was a member of the California Youth Authority Board, and is now district attorney of Los Angeles County.

[10] *Ibid.*

[11] *Id.* at 7.

[12] Cal. Penal Code § 1203.

[13] Cal. Penal Code § 1203.1. For discussion of views of judges as to relative advantages of suspending imposition or execution of sentence, see *Probation in California*, *supra* note 5, p. 46 For statistical table see p. 34 thereof. A jail sentence is a frequent condition of probation. The extent to which it is shown by tables 5 and 6, p. 33 and 34. The attitudes of judges as to the use of this condition are summarized on p. 43.

cases there is supervision by a probation officer.[14] A suspended sentence is a grant of probation and is "the equivalent of a formal order placing the defendant on probation." The defendant should report to the probation officer or the court.[15]

Probation is widely used by the judges of California. On December 31, 1958 there were 54,368 adults on probation; of these 23,338 were placed by the superior court and 31,030 by the lower courts. These figures show an increase of 12% for the superior court and 10% for the lower courts over the preceding year.[16] Probation, however, is not uniformly used. The percentage of convicted superior court defendants granted probation in the several counties varied in 1956 from 62% to 13%. The four largest countries used it as follows: 52%, 49%, 45%, and 40%.[17]

What of probation success? How effective is it? These questions call for complex considerations if we go into the social and personal changes in the man.[18] For this article we can only use as a yardstick percentages of probation revocations—computing that involves complicated statistical procedures. Without attempting to describe them, we will cite only the conclusions based on the years 1954–56. A general failure rate for the state was 25.4%.[19] Since not all of the study group used in one method of computation had completed probation, it is estimated that the failure rate would be between 28% and 32%.[20] Not every revocation means that the probationer has committed another offense. In 1957, 8,741 defendants were removed from probation by the superior court. Most were removed because of successful completion of probation; 3,405 were removed for violations. Violators is a broad term covering those persons where jurisdiction is lost, those probationers who no longer report, those who violate conditions of parole, etc.[21] Of the violators, 1,075 committed new felonies and 441 committed new misdemeanors. This amounts to less than 20% of those removed in that year.[22]

Probation departments have developed steadily along the pathway of

[14] Cal. Penal Code § 1203.5. Probation is a county function. Secs. 1203.5–1203.8 set forth the administrative procedure for appointment of adult probation officers, administration, salary, etc.

[15] People v. Municipal Court, *supra* note 8; *In re* Herron, 217 Cal. 400, 404, 19 P.2d 4, 6 (1933).

[16] California Youth Authority, *Probation Progress*, p. 30 (1959), printed by the State Printer.

[17] *Probation in California*, *supra* note 5, at 33, Table 4.

[18] *Id.* at 87.

[19] *Id.* ch. 6. Only by reading this can one get a picture of the statistical methods used and the subjective evaluation obtained by interviews and questionnaires.

[20] *Id.* at 90.

[21] For a list of conditions imposed by California Superior Courts, see Bureau of Criminal Statistics, *Delinquency and Probation in California*, p. 130 (1958) (State Printer).

[22] *Id.* at 137.

making probation work a profession. Many require specialized educational preparation for the officers, with extensive in-service training. The goal is the use of casework methods, as specially adapted to the correctional field.[22] Undoubtedly every state has made progress along these lines, but California has a "built-in" assurance of consistent progress. The Director of the Youth Authority has been given responsibility to investigate, examine, make reports, and to establish standards for the performance of probation duties.[24] Although power to enforce the standards is not given, they have persuasive authority. The Director is assisted by a Probation Advisory Committee which includes probation officers.[25] The Director has authority to call together the probation officers of the counties periodically to discuss the duties of their offices.[26] It is the Director's policy to formulate standards in collaboration with the county probation officers. The standards are submitted to the State Board of Corrections for review and advice.[27] The director of the Youth Authority makes skilled probation consultants available to county departments. Training institutes for new deputy probation officers are regularly held. At least once a year an institute is held at one of the universities to train personnel engaged in probation and other correctional work.[28] The Director has also published information helpful to probation officers.[29]

The State Board of Corrections fills an important role in the development of probation and parole. This Board was established as part of the reorganization of California's penal system in 1944.[30] It is composed of the Director of Corrections, as chairman, the members of the Adult Authority, the members of the Board of Trustees of the California Institution for Women, the members of the Youth Authority, which include the Director, and two qualified persons appointed by the Governor.[31] In connection with the Board's duty to study the entire field of penology, the law provides that special study commissions to assist it may be appointed

[22] Studt, *The Contribution of Correctional Practice to Social Work Theory and Education*, 37 SOCIAL CASEWORK 263 (1956); Studt, *Casebook in Correctional Casework* (1958). See also 39 PRISON JOURNAL, No. 2 (Oct., 1959).

[24] CALIFORNIA WELFARE AND INSTITUTIONS CODE (hereafter referred to as Cal. W. & I. Code) § 1760.7. The Director's responsibility relates equally to adult and juvenile probation. *Standards for the Performance of Probation* was published in 1954 and is now being revised

[25] Department of the Youth Authority, BIENNIAL REPORT, p. 9 (1957–58) (State Printer).

[26] CAL. W. & I. CODE § 1752.95

[27] CAL. PENAL CODE § 6025.

[28] Department of the Youth Authority, *supra* note 25, p. 12.

[29] In addition to those already mentioned, there are the following: *Legal Responsibilities of Probation Officers*, (1960); *Guide for Court Investigations and Reports*, (1955). *Probation Progress*, *supra* note 16, is published annually (all by State Printer).

[30] CAL. PENAL CODE § 6027–30; see Warren & Daniels, *California's New Penal and Correctional Laws*, 32 CALIF. L. REV. 299 (1944).

[31] CAL. PENAL CODE § 6025

by the Governor. Such commissions are given powers of investigation and of subpoena.[32] Probation has been studied by commissions twice, first in 1948–49,[33] and the second time in 1955–57.[34] These commission reports have been a spur to progress. This has undoubtedly resulted from the method of involving probation officers in the preparation of the reports. A few of the recommendations were in line with existing practice in some of the larger counties and a few stated desired goals. The recommendations of the last commission were included in an earlier report published in time for presentation to the 1957 Session of the Legislature.[35] A few recommendations will be discussed.

It was recommended that restrictions on adult probation eligibility be removed, with the exception of crimes for which death or life imprisonment are the penalty.[36] For years these restrictions have been disputed. Section 1203 of the Penal Code contains a list of serious felonies for which probation may not be granted. The Legislature had repeatedly refused to give judges discretion to grant probation for the prohibited crimes. The State Bar had recommended to the 1957 Session of the Legislature that the absolute prohibition be lifted from all offenses.[37] The Legislature in 1957 relaxed the prohibition somewhat by an amendment of the section which provides, "The Legislature hereby expresses the policy of the people of the State of California to be that, *except in unusual cases where the interest of justice demands a departure from the declared policy*, no judge shall grant probation to any person who shall have been convicted of robbery, burglary or arson, (and others) . . ."[38] There remains a long list of offenses where the absolute prohibition applies. Efforts to further implement the well considered recommendations will undoubtedly be renewed.

The recommendation that, as part of the pre-sentence investigation, adults convicted in the superior courts be eligible for referral to the Department of Corrections diagnostic facilities for study and report to the

[32] CAL. PENAL CODE § 6028–6028.11.

[33] *Probation Services in California*, by Special Study Commission on Adult Corrections and Release Procedures, March 7, 1949. (State Printer).

[34] *Probation in California*, *supra* note 5. This comprehensive report was prepared by the Special Study Commission on Correctional Facilities and Services. Chapters 4, 6, and 7 are on adult probation and are recommended for detailed study. Included in the report are summaries of questionnaires and interviews with judges, probation officers, district attorneys, and defense attorneys. To do this work, a staff was selected by the Department of Corrections, the Department of the Youth Authority, and two of the larger probation departments.

[35] *Probation, Jails, and Parole*, Second Interim Report of the Study Commission on Correctional Facilities and Services, pp. 16–24 (Jan. 16, 1957).

[36] *Id* at 18, 22.

[37] 32 J. CALIF. STATE BAR 20 (1957).

[38] CAL. PENAL CODE § 1203 (italics supplied).

addition to the conditions of a man's probation. At any time during the probationary period he is subject to arrest without warrant to be brought before the court. Engaging in criminal practices is not the only ground of revocation. If it appears from the report of the probation officer otherwise that the person is violating any of the terms of his probation or "has become abandoned to improper associates or a vicious life" his probation may be revoked.[46] If the sentence has been imposed and its execution suspended, the original judgment is in full force. If the imposition of sentence has been suspended, the judge may impose sentence at any time within the longest period for which the defendant might have been sentenced.[46] Under the same section the judge also has power to change the order of probation.

The extent of the court's power is shown in *People* v *George*.[47] The defendant had been convicted in 1952 of grand theft and sentenced to prison. The execution of sentence was suspended on condition that a year in the county jail be served. Before the end of the year this was reduced to time served and no mention made of probation. On a subsequent conviction in 1958 the defendant was sentenced to cumulative terms, one being for the earlier offense. The appellate court ruled that the suspension of the sentence in 1952 was, in the absence of an order fixing the term of probation, a grant of probation for the maximum term for which sentence could have been pronounced—here ten years. Where, however, there is no new offense nor no new information as to deceit at the time of imposition of sentence, a change in the order establishing more onerous conditions is in excess of the court's authority. The court may not act arbitrarily or capriciously.[48] Because the conditions of probation may sometimes be more onerous than imprisonment, the defendant has the right to refuse probation. In the *Osslo* case,[49] conditions restricted the defendant from certain union activity and the supreme court held that probation could be rejected.

One of the most important aspects of probation in California is the right of the defendant, on successful completion of probation, to have his record cleared.[50] He may withdraw his plea of guilty and enter a plea of not guilty or, if convicted, ask the court to set aside the verdict. The court "shall thereupon dismiss the accusations or information against such defendant, who shall thereafter be released from all penalties and disabilities resulting from the offense or crime of which he has been convicted." The section contains one limitation, "that in any subsequent

[46] CAL. PENAL CODE, § 1203.2.
[46] *Ibid.*
[47] 169 Cal. App. 2d 740; 338 P.2d 240 (1959).
[48] *In re* Bine, 47 Cal. 2d 814, 817, 306 P.2d 445, 447 (1957).
[49] *In re* Osslo, 51 Cal. 2d, 371, 334 P.2d 1 (1959) and cases therein cited.
[50] CAL. PENAL CODE § 1203.4.

court[39] has been implemented by Penal Code Section 1203.03. The Department has so far accepted six persons for diagnosis. It has done so under contract for reimbursement by the county.[40]

Because California has fifty-eight counties, a comprehensive survey of progress since 1957 is impossible. The writer will therefore confine comments to her home county, Alameda, with a current population of 886,000. This county regards smaller specialized caseloads as important to probation success. As of December 31, 1959, there were 6,584 men and women on probation, and of these 1,782 were being supervised in small caseloads. They are in the following categories: personality problems, alcoholic problems, domestic problems, child support, narcotic addiction, and institutional cases. "Personality problems" obviously applies in a sense to all the categories, but in the sense used, it refers to persons with more than ordinary indications of (1) emotional disorders such as dependency or hostility; (2) severe neurotic or subpsychotic symptoms or psychopathic tendencies; (3) youths, aged 18–23 who demonstrate difficulty in bridging the gap between adolescence and maturity; and (4) problems of sexual adjustment. There were 458 in this group. These and the 236 with alcoholic problems and the 209 with narcotic addiction total 893 or 15% of the total probation caseload, suggesting the overlap of mental disorders and crime. We may also assume that some of those with domestic and child support problems would show a degree of mental disorder.[41] A word about the narcotic addiction group. It is being supervised in connection with the nalline testing program, which is being widely used in California, both for probationers and parolees.[42] The institutional cases are those where jail is a condition of probation. Important work is done to prepare them for release under supervision.

To aid in the reduction of caseloads, a state subvention to county probation departments has been urged.[43] Even though this failed to pass, substantial improvement has taken place.

It would be beyond the scope of this article to develop the entire subject of probation. Two further topics with citation of cases will be discussed: revocation and clearing the record of the successful probationer.

The power of revocation and modification of the order granting probation is set forth in the Penal Code. Sections 1203.2, 1202.2a, and 1203.3.[44] Although probation is an act of clemency, it is subject to limitations in

[39] PROBATION, JAILS, AND PAROLE, *supra* note 35, at 14, 24.
[40] Oral statement of Richard A. McGee, Director of Corrections, May 4, 1960.
[41] Alameda County Probation Department, ANNUAL REPORT, p. 45 (1959) (mimeographed)
[42] *Id.*, p. 46 See also, Director of Corrections, *Report to the Governor's Council*, p. [illegible] (December, 1959) (mimeographed).
[43] *Probation, Jails, and Parole*, *supra* note 35, p. 20.
[44] For general discussion of cases under these sections, see 29 CAL. JUR. 2d, §§ 363–368

prosecution of such defendant for any other offense, such prior conviction may be pleaded and proved and shall have the same effect as if probation had not been granted or the accusation or information dismissed." There are other limitations which will be discussed later.

A defendant, when placed on probation, has a right to be informed in writing of his ultimate right to proceed under Section 1203.4 of the Penal Code when he has successfully completed his probation.[51] This right of the defendant places a mandatory obligation on the court. A subsequent offense does not bar the right to such a dismissal.[52]

The revival of an earlier conviction, which has been dismissed, by a later one was an issue in *People* v. *Maiado*.[53] A father was convicted of failing to support his minor child and paternity was disputed. He had previously been convicted of the same offense, had been given probation, and had secured a dismissal. It was held that the first case must be given the same effect as if the accusation had not been dismissed. Both the conviction and the finding of paternity were binding in the second case. On the other hand, the revival of the earlier conviction is not a bar to granting probation on a subsequent conviction.[54]

A dismissal under this section does not give a right to practice professions where the highest degree of trustworthiness is required, nor the restoration of the right to practice if the license has been suspended or revoked. As to the practice of law by a person convicted of an offense involving moral turpitude, this is spelled out by statute[55] and interpreted by decisions.[56] The law governing the practice of medicine likewise provides that a dismissal under the instant section does not affect the power of the Board of Medical Examiners to suspend, revoke, or refuse to issue a license when there has been a previous conviction of a felony or an

[51] People v. Municipal Court, 145 Cal. App. 2d 767, 303 P.2d 375 (1956).

[52] People v. Johnson, 134 Cal. App. 2d 140, 285 P.2d 74 (1955). Quoting from the case, "It was apparently intended that where a defendant has performed the requirements laid down . . . the court should have no discretion but to carry out its part of the bargain with said defendant, even though it might appear at the time of application for said benefits that complete and permanent reformation or rehabilitation has not been accomplished." Apparently *contra*, People v. Ignazio, 137 Cal. App. 2d 881, 290 P.2d 964 (1955), although a rule of the Los Angeles Superior Court may have been controlling here.

[53] 22 Cal. App. 2d 23, 70 P.2d 1015 (1937).

[54] People v. Payne, 106 Cal. App. 609, 289 Pac. 809 (1930).

[55] CAL. BUSINESS AND PROFESSIONS CODE (hereinafter referred to as Cal. B. & P. Code) § 6102.

[56] *In re* Phillips, 17 Cal. 2d 55, 109 P.2d 444 (1941). See Annot., 132 A. L. R. 645, 659 (1941). Suspension of Hickman, 18 Cal. 2d 71, 113 P.2d, 1 (1941). In the Phillips and Hickman cases a distinction was made between the consequences where the imposition was suspended and where the execution was suspended. This was cured by an amendment to the section later in the same year. CAL. STAT. ch. 1183, p. 2942 (1949).

offense involving moral turpitude.[57] Similarly, a teacher is under the same disability as to his certification.[58] There is no clear cut provision concerning the effect of conviction and subsequent use of this procedure by a person holding public office. In *Pearson* v. *County of Los Angeles*[59] it was held that a deputy sheriff was entitled to a hearing by the Retirement Board.

The advantages of a dismissal under Penal Code Section 1203.4 have recently been increased. Former cases had held that it did not free a defendant from the obligation to register as a sex offender under state law[60] or as an ex-convict under municipal ordinances.[61] The case of *Kelley* v. *Municipal Court* established a broad construction of the words "released from all penalties and disabilities."[62] The defendant had been convicted of a sex offense, had successfully completed his probation, and had obtained a dismissal of the charge against him. He was being prosecuted for failure to re-register as a sex offender when he moved and sought a writ to prohibit the trial. The court held that the obligation to register or re-register is a disability which had been removed by the dismissal, saying "the requirement of re-registration is a criminal penalty in the strictest and narrowest sense of that term . . . In the case of the probationer who demonstrates his ability to go straight upon his own, by faithfully fulfilling all of the terms and conditions of his probation, the need for further surveillance and registration terminates upon his release pursuant to the sanction of Section 1203.4."[63] The same reasoning would apply to local ordinances requiring registration of ex-convicts.[64] This, however, is no longer a question because these ordinances have been held to be unconstitutional.[65]

What is the effect of probation and later dismissal under Section 1203.4 on persons suffering special disabilities because of conviction of felony? The Constitution of California in art. II, sec. 1 provides that "no person convicted of an infamous crime shall ever exercise the privileges of an

[57] CAL. B. & P. CODE § 2383. Furnish v. Board of Medical Examiners, 149 Cal. App. 2d 326, 308 P.2d 924 (1957); Meyer v. Board of Medical Examiners, 34 Cal. 2d 62, 206 P.2d 1085 (1949).

[58] CAL. EDUCATION CODE § 12011. Fountain v. State Board of Education, 157 Cal. App. 2d 463, 320 P.2d 899 (1958).

[59] 49 Cal. 2d 523, 319 P.2d 624 (1957).

[60] CAL. PENAL CODE § 290. This section sets up rigid requirements for registration of sex offenders.

[61] Discussed in 28 OPS. CAL. ATTY. GEN. 178 (1956). This opinion was overruled in part after the Kelley case by the opinion cited *infra*, note 64.

[62] 160 Cal. App. 2d 38, 324 P.2d 990 (1958).

[63] *Ibid.*

[64] 32 OPS. CAL. ATTY. GEN. 43 (1958).

[65] Abbott v. City of Los Angeles, 349 P.2d 974 (1960). The court held that the ordinance was in a field already pre-empted by the state and in conflict with the PENAL CODE § 1203.4. It cited the Kelley case, *supra*, note 62.

elector in this State." All felonies are infamous crimes in California.[66] It has been held that a man convicted of a felony, placed on probation, and ultimately granted a dismissal under Section 1203.4 is entitled to a writ of mandate directing the registrar of voters to register him as an elector.[67] But if he is still on probation for a felony, he is not entitled to vote.[68]

Another major disability involves impeachment as a witness on the ground of conviction of a felony.[69] It can be argued that this disability is removed in the same manner as loss of the right to vote. The reasoning would be the same. There is little case law on the subject. The only case supporting this view is *People* v. *Mackey*,[70] where the witness was held not subject to impeachment because of conviction of a felony. This case was decided almost forty years ago, but the continuance of the rule would offer greater hope to the person facing the stresses of rehabilitation.[71]

PAROLE

Parole can only be considered in relation to a prison system, for it is in theory and in fact an extension of custody.[72] And what about prisons? How do they affect men sentenced to them? Judge Joseph N. Ulmann, writing in 1938 said:

"Every day in every part of this enlightened land the obsolescent machinery of criminal justice creaks and groans as it takes young men into its maw, crushes every vestige of decent manhood out of them and throws them back to fester in society."[73]

That this remains true of many prisons in 1960 is the theme of Calvin Tompkins in "Crime Breeding Prisons."[74] Mr. Tompkins points to California's penal system as the world's most progressive,[75] but we who live with its problems know that we are only at the beginning of their resolution. As Richard A. McGee, the State Director of Corrections has said: "We keep working and are confident that increments of knowledge of good practice will result in progress."[76] This we know: we have an army

[66] Application of Westenberg, 1 67 Cal. 309, 139 Pac. 674 (1914); Truchon v. Toomey, 116 Cal App 736, 264 P.2d 638 (1953).

[67] Truchon v. Toomey, *supra* note 66.

[68] Stephens v. Toomey, 51 Cal.2d 864, 338 P.2d 182 (1959).

[69] CAL. CODE CIV. PROC. § 2051.

[70] 58 Cal App 123, 208 Pac. 135 (1922).

[71] The later case of People v. James, 40 Cal. App.2d 740, 105 P.2d 947 (1940) is only apparently contra, for here the witness impeached was the defendant whose prior conviction was revived by a later criminal prosecution. For further discussion of these cases see Hale, *Specific Acts and Related Matters as Affecting Credibility*, 1 HASTINGS L. J., 89, 100 (1950).

[72] People v. Dunne, 141 Cal. App.2d 499, 297 P.2d 451 (1956).

[73] 29 J. CRIM. L., C. & P. S. 517 (1938)

[74] Newsweek, April 25, 1960, p. 108.

[75] *Id.* at 111.

[76] Quoted from recent personal interview with Director McGee.

of devoted men and women in the correctional work who endeavor minimize the dstructive aspects of prison life and to increase rehabilitation in prison and on parole.

Although it is not within the scope of this article to describe California's prison program, it is necessary to mention those phases which are particularly designed to prepare men for release. The education program and the vocational training program, the latter with the aid Trade Advisory Councils composed of management and labor, are important means of preparation for job holding.[77] The intensive treatment programs at Deuel Vocational Institution, at San Quentin, and at California Institution for Men are planned and are being measured as an going project of the research staff. The purpose is to see if men who have special psychic and emotional weakness can be helped by intensive treatment with psychoanalytical orientation. The test will be measurement comparative parole success of these and control groups.[78] The use of the therapeutic community concept in certain situations[79] and the widespread use of group counseling[80] should have a direct relation to increased success on parole. A new and important program designed bridge the gap to normal living is the family counseling program. It involves bringing family members into the prisons for individual and group meetings with their prisoner relatives. "Under the leadership skilled counselors, the discussions center around the personal situation and the problems they must face jointly in community living. In addition, group meetings are held for family members, without inmate attendance, in communities outside the prison setting."[81]

Parole is not defined in the statutes of California, the Legislature having assumed, as in the case of probation, that its characteristics known. The definition given by the Honorable Herbert Brownell, J then Attorney General of the United States, at the National Conferen on Parole in 1956, is a practical one to use as the basis of our discussion

[77] State Depart. of Corrections, *Biennial Report*, 1957–58, pp. 24–26, 38

[78] State Depart. of Corrections, *supra* note 77 at 9; Director of Corrections, *Repor the Governor's Council*, p. 5 (May 31, 1960). See First Annual Report, *Intens Treatment Program* (Oct. 1957); Second Annual Report, *Intensive Treatme Program* (Sept. 1958). Both reports are mimeographed by the Department of Corrections. Quoting from p. 23 of the second report: "The method is psycho-analytical oriented treatment to 'uncover' unconscious material which has been expressed in form of disordered behavior, of disabling subjective symptoms, or demonstrable rangement of function." A third report is being prepared.

[79] Director of Corrections, *Report to Governor's Council*, p. 5 (Jan. 1960).

[80] State Depart. of Corrections, *supra* note 77 at 31. See Fenton, "*An Introduc to Group Counseling in State Correctional Service*", published for State Department Corrections by State Printer.

[81] State Depart. of Corrections, *supra* note 77 at 31. Director of Corrections, *Re to the Governor's Council*, p. 6 (Jan. 1960). Fenton, *How the Family Can Help*, by Department of Corrections (Feb. 1958).

"Parole is the release of a convicted offender under supervision, and under certain restrictions and requirements, after he has served a portion of his sentence in a penal institution. It is not clemency or a grant of forgiveness, but a process of regulated reformation."[82]

It will be noted that this definition would include the release of a convicted offender on probation where imprisonment in a county jail is a condition of release.[83] There may be little real difference between this and parole except for the consequences that flow from probation. There is the further distinction that incarceration as a condition of probation is fixed by the trial judge at the time of sentence whereas parole release is ordered by a state agency charged with the responsibility.[84]

Parole from county jails in misdemeanor cases is granted by County Boards of Parole Commissioners[85] but this procedure will not be included within the scope of this article.[86]

The history of parole in California goes back to the legislation establishing the indeterminate sentence in 1917.[87] The granting of paroles is one aspect of the term-fixing function in a system of sentencing called "indeterminate" but which is actually limited by maximums and minimums. For many years and up to 1944 it was in the hands of the Board of Prison Terms and Paroles. It was then transferred to the Adult Authority.[88] Parole agents were not organized into a bureau until 1943.[89]

The modern development of prisons and parole in California stems from the leadership of Earl Warren. As District Attorney of Alameda County, he was distressed by reported scandals in the granting of parole and by inadequate supervision of men on parole. He reached the conclusion that parole was a valuable part of our penal system, but only if it was free from political interference, if determination of the time of parole was made by a skilled and impartial board, and if there was adequate supervision of parolees by well-trained men and women. He recognized that the protection of society was better served by release under

[82] 20 FED. PROB. 5 (1956).

[83] *Id.*, p. 6.

[84] CAL. PENAL CODE § 3041, (male prisoners), 3325 (female prisoners); CAL. W. & I. CODE, §§ 1766–67 (young offenders committed to Calif. Youth Authority).

[85] CAL. PENAL CODE § 3075–3083.

[86] This was a subject to which the Special Study Commission on Correctional Facilities and Services addressed itself. See its publication, "*The County Jails of California: an Evaluation*", Chapter XIII on Release Procedures, p. 87; also see its Second Interim Report, January 16, 1957, p. 31.

[87] CAL. STAT., ch. 527, p. 665 (1917). At the same session, ch. 406 at p. 528, provision was made for officers to assist paroled or discharged persons, mentioning help in securing employment.

[88] See *infra*, note 95.

[89] *Report of Governor's Investigating Committee on Penal Affairs*, published in JOURNAL OF THE CALIFORNIA SENATE, Jan. 27, 1944, p. 59. See also JOURNAL OF THE ASSEMBLY for the same day.

supervision than by outright discharge on completion of the full term of sentence. Early in the first year of his attorney generalship of California, 1939, he stated these views in an address before the First National Conference on Parole.[90] These convictions deepened during his four years as Attorney General. As Governor, during his first year in office, 1943, he appointed the Governor's Investigation Committee on Penal Affairs.[91] On January 27, 1944, the Legislature met in special session in response to his call to consider this committee's report and to reorganize the state's penal system.[92] The Governor in his message to the Legislature said the parole system is not an integrated unit and "cannot be said to be effective."[93] The Legislature responded, and in less than a week passed "An act providing for the re-organization of the State penal and correctional system."[94] Although changes have been made, this law furnishes the basic structure of California's penal system.

Both the fixing of terms and the granting of paroles were given to the Adult Authority, then a board of three men well qualified in penology.[95] Originally the Bureau of Paroles was under the Adult Authority, but in 1957 it was renamed the Division of Paroles and made part of the administrative structure of the Department of Corrections.[96] The quasi-judicial functions of the Adult Authority had grown so enormously that the Special Study Commission on Correctional Facilities and Services recommended that the administrative duties in connection with parole be transferred.[97] In accord with the same trend, the number of members of the Adult Authority has been increased to seven.[98]

In addition to the Adult Authority there are two other state agencies fixing terms and granting paroles, both having parole staffs within their organizations. The Board of Trustees of the California Institution for Women has the same powers and duties with respect to women prisoners as the Adult Authority has for men.[99] The California Youth Authority has a large number of young men and women committed to it by the criminal courts after conviction of felonies. A judge may make such a commitment if the youth's arrest took place before his twenty-first birthday; and the Youth Authority may retain jurisdiction until his twenty-

[90] *Proceedings of the First National Parole Conference*, p. 70, April 17–18, 1939, Washington, D.C., called by the Attorney General of the United States.

[91] See Report, *supra* note 89.

[92] Third Extra Session of the 55th California Legislature, Jan. 27, 1944.

[93] JOURNAL OF THE CALIFORNIA SENATE, *supra* note 89 at 22.

[94] Enactments of Third Extra Session of the 55th Calif. Legislature, ch. 2 (JAN. 27, 1944).

[95] CAL. PENAL CODE § 1168, 3000, 3020–3025.

[96] CAL. PENAL CODE § 2400–2403.

[97] *Probation, Jails, and Parole*, *supra* note 35 at 44.

[98] CAL. PENAL CODE § 5075.

[99] CAL. PENAL CODE § 3299.

fifth birthday.[100] Commitment to the Youth Authority has a number of advantages for the young offender. The Youth Authority Board is not bound by minimum sentences.[101] Even though the basis of commitment is conviction of a felony and even though the Youth Authority has placed a ward in an institution run by the Department of Corrections, the offender does not suffer the consequences of conviction of a felony. His conviction may not be later pleaded and proved for impeachment purposes.[102] There is provision that a ward honorably discharged from parole may petition the court which committed him and obtain a dismissal of the action and release from all penalties and disabilities.[103] For instance, he is not prohibited from carrying a gun under lawful circumstances and, if a sex offender, he is not required to register.[104]

Whether a person is on parole to the Youth Authority or is paroled from an adult institution, he has the supervision of well-trained correctional case workers. The Legislature is cooperating to provide enough officers to keep caseloads lower. Both departments are experimenting with varying sizes and composition of caseloads and both have research projects with careful designs to measure the effectiveness of each procedure.[105] The Youth Authority's research in this area was only recently begun, but the Department of Corrections began its research on Special Intensive Parole Supervision Units more than six years ago.[106] Phases I and II have been completed and written up. These projects were based on size of caseload and closeness of supervision.[107] The third phase used expectancy scores in selecting the caseloads. The fourth phase is selecting caseloads on the basis of maturity scales, with a variety of caseload sizes. Also taken into account are the qualities and interests of the parole agents.[108] Throughout this research, control groups are used as the basis of com-

[100] CAL. W. & I. CODE, §§ 1731, 1731.5, 1771.

[101] CAL. W. & I. CODE, § 1766.

[102] People v. Lockwood, 146 Cal. App.2d 289, 303 P.2d 621 (1956). This is an important case in construing legislative intent as to result of commitment to the Youth Authority and the variety of ways the Youth Authority may place a ward for treatment. Sec. 1755.5 of the Cal. W. & I. Code and § 2037 of the Penal Code expressly provide that placement in five named institutions of the Department of Corrections "shall not be deemed to constitute conviction of a crime."

[103] CAL. W. & I. CODE, § 1772.

[104] 32 OPS. CAL. ATTY. GEN. 43 (1958).

[105] On Youth Authority Research, see 11 CALIFORNIA YOUTH AUTHORITY Q. 9 (Spring 1958) and Department of the Youth Authority, BIENNIAL REPORT, 1957–58, pp. 1, 22.

[106] Department of Corrections, BIENNIAL REPORT, p. 35 (1957–58).

[107] Department of Corrections, *Special Intensive Parole Unit, Phase II*, December, 1958 (mimeographed).

[108] Some of the information in this paragraph is based on inspection of unpublished material and an interview. For basic information on maturity scales used in Phase 4, see Sullivan, Grant, & Grant, *The Development of Interpersonal Maturity: Applications to Delinquency*, 20 PSYCHIATRY 373 (1957).

parative measurement. This is an extreme over-simplification of the research project, but it is offered to give an idea of what is undertaken.

What is the scope of the task undertaken by the adult parole agents? As of April 30, 1960, the number of males on parole was 8,316, including 882 being supervised under the Interstate Compact Agreement.[109] These figures remain relatively constant. The severity of the problems with which parole agents must cope is indicated by the fact that less than one-fourth of those on parole "never had been in prison, jail or a juvenile institution before coming to prison. Forty percent had had previous jail or juvenile incarceration, and almost forty percent had served one or more prison terms prior to their current experience."[110]

"The task that confronts the parole agents is to supervise a man with past habit attitudes, antisocial in nature, who, in most cases, wishes to remain trouble-free, but lacks confidence that he can stay out of difficulty."[111] The parole agents' work has the two-fold aim of protecting society and helping the parolee with his problems so that he may be a law-abiding person. The parole agent helps "with material assistance, vocational guidance, job placement, adjustment within the community . . . and will counsel the parolee in regard to whatever social, marital or personal problems the parole may have."[112] Group counseling, to which many have been accustomed in prison, is used by parole agents.[113] The Department conducts one Psychiatric Outpatient Clinic in Los Angeles.[114] This has helped many men with emotional disorders and points the way for further development in providing supportive help. This kind of help is especially necessary for men who have been receiving psychiatric treatment in prison.

The parolee who has been an addict has this crippling weakness added to his habit patterns of criminality. Within the past year a program to help him has been started. The State Board of Corrections had made a study of narcotics based on all male prisoners admitted during a specified period, all Youth Authority boys over the age of 18, all women admitted to the California Institution for Women, and older girls admitted to the Youth Authority, each during limited periods. A large number of addicts admitted were parole violators. For instance, of 106 male addicts admitted to prison over one fourth were parole violators.[115] Could these have

[109] Director of Corrections, *Report to Governor's Council*, p. 17 (April 1960).

[110] Department of Corrections, BIENNIAL REPORT, 1957–58, p. 34.

[111] *Id.* at 35.

[112] *Ibid.*

[113] *Ibid.*

[114] *Ibid.*

[115] Board of Corrections, *Narcotics in California*, p. 11 (Feb. 19, 1959). This report contains a wealth of material on narcotics in the lives of offenders and some widely held beliefs are questioned.

been helped so that they might have remained on parole? With the encouragement of Governor Brown and enabling legislation,[116] the Department of Corrections has inaugurated a program to find ways of helping. It is an experimental program with small caseloads and a research design. It is equally available to parolees of the Youth Authority and the Department of Corrections. Each parolee in the unit is required to take frequent nalline tests. This test is sensitive in showing recent use of narcotics. Any parolee whose test is positive or who shows danger of becoming readdicted is sent to a special treatment center which has been established at the California Institution for Men in Southern California, where the narcotics problem is most severe. He may remain there for ninety days of treatment without violation of his parole. It is expected that many men will be helped in this way and kept from further criminal careers. If this treatment plan proves unsuccessful, the man can be returned to prison as a parole violator.[117]

The role of the Board of Corrections[118] in harmonizing practices and recommending innovations should again be mentioned. It is the watchdog of the state's penal system. What the Board is unable to do, the Governor's Crime Commissions may undertake. Their duty to report to the Board integrates their work with that of the Board.[119] We are indebted to the Board and to the Commissions for much of the progress in California's penology. Carrying this process forward, the Governor has recently appointed a Commission on Narcotics.[120]

The legal limitations on the Adult Authority and the Trustees of the California Institution for Women in fixing terms and setting the time for release on parole are multiple, complex, and difficult to trace through different sections of the codes. Here again the pendulum has swung between giving broad discretionary powers and severe limitations. As an illustration, Section 644 of the Penal Code fixes life imprisonment as the penalty for certain habitual criminals. The sections under parole require that persons sentenced as habitual criminals under Section 644 shall, in some instances, serve longer than the seven years fixed as the earliest

[116] Director of Corrections, *Report to Governor's Council*, p. 8 (December 1959).

[117] *Ibid.* For statutory authority see Ch. 7, Div. 10, *Cal. Health & Safety Code*, Cal. Stat., ch. 65 (1959).

[118] We are indebted to the Board of Corrections for two excellent bibliographies on our subject. The first is entitled "Sources for the Study of the Administration of Criminal Justice, 1949" by Dorothy Campbell Tompkins. The second, also by Mrs. Tompkins, who is a member of the staff of the Bureau of Public Administration, University of California, is "Administration of Criminal Justice, 1949–1956." Both are published by the State Department of Corrections.

[119] See Director of Corrections, *supra* note 116, at p. 9.

[120] Director of Corrections, *Report to the Governor's Council*, p. 2 (April 1960).

possible release date where the sentence is for life.[121] Yet Section 644 itself provides that in exceptional cases, not later than sixty days after the commencement of imprisonment, "the court may in its discretion provide that the defendant is not an habitual criminal" and that the restrictive sections on parole shall not apply.[122] An important section on minimum terms was added by the 1959 Legislature. If the defendant convicted of a felony or felonies was under twenty-three years of age at the time of the commission of the crime or crimes or at the time of his apprehension, the court may fix the minimum term at six months.[123] The section contains no exceptions and where followed by the court would give the Adult Authority discretionary power to order an early parole in very serious cases. Would the section apply in life penalty cases?

It is important that the law[124] provide a sufficiently long time between minimum and maximum terms and that the minimum be sufficiently short in order that the term-fixing board may accomplish two purposes: 1) to parole the prisoner at the time he is best qualified for return to society, for beyond this time further imprisonment may cause deterioration; 2) to keep the prisoner on parole for a long enough time to test his rehabilitation.

The decisions as to length of term and time of parole involve a variety of factors. I quote from the Special Study Commission on Correctional Facilities and Services:[125]

"To perform the function (quasi-judicial) well, the boards are required to have a clear conception of what constitutes equitable standards of sentence length for offenses of various types, and for criminal histories of diverse kinds. They must be able to estimate the readiness of an individual for release, the probable effect on the community of a relapse into antisocial behavior, the probable effect on the inmate of further incarceration as contrasted with present release, and the effect of various proportions of incarceration and parole on the future behavior of the inmate. Throughout all these considerations there remains the need for maintaining a reasonable balance from case to case so that the demands of equity are met."

The boards have before them for interview the offender,[126] the entire history of the man or woman including the clinical study made at the

[121] Cal. Penal Code § 3047, 3047.5, 3048, 3048.5. Section 3046 provides that no prisoner serving a life sentence may be paroled until he has served at least seven calendar years.

[122] Cal. Penal Code § 644c. The attitude of some superior court judges toward the severity of the law on prior convictions is given in Burke, *"Striking Priors,"* 33 J. Calif. State Bar 556 (1958).

[123] Cal. Penal Code § 1202b.

[124] 39 Cal. Jur. 2d 718–737, for a discussion of cases and principles not included in this article.

[125] *Probation, Jails, and Parole, supra* note 35, at 40.

[126] The Adult Authority and the Youth Authority sit in panels of two members for the hearing of cases.

time of reception, reports on accomplishments and behavior in prison, an assessment of attitude by the staff, the recommendations of the district attorney and the trial judge,[127] and, in the case of the Adult Authority, any special information developed by its investigative staff.[128] The Adult Authority welcomes the attendance at hearings of persons, particularly those connected with the administration of justice and the press, interested in knowing how cases are decided. The men and women on these boards work with dedication and full realization of their responsibilities, holding hearings in all of the institutions of the state, which means constant travel and often spending evenings as well as days at their work.

The parole setting board has the power and duty to fix conditions in granting parole. In the case of sex offenders it is required to make inquiries as to whether the inmate was intoxicated at the time of the offense or addicted to alcohol. If so, the board is required to make total abstinence a condition of parole.[129]

The function of parole in helping the offender outside of prison has already been described.[130] Parole is also the time to test the rehabilitation of the offender. The boards have the broadest possible powers to do this. *People* v *Denne*[131] is a leading case on the power over a paroled offender. It was held that the granting of parole does not change the legal status of a prisoner, in serving part of his term outside of prison he "is constructively a prisoner of the State in the legal custody and under the control of the Adult Authority." This is, of course, an application of the provisions of Penal Code Section 3056. The *Denne* case, in applying this principle, held that the search without a warrant of the apartment of a parolee reported to be dealing in narcotics was a *reasonable* search.

The author, based on experience with Youth Authority parolees, wishes to caution that such power should not be lightly exercised or action taken on mere suspicion. The offender who is "going straight" is resentful of being picked up or searched. He doubts that society will give him a fair chance and in a real sense he has placed society and its agencies on trial. An unjustified search or suspension of parole can push a man off his precarious balance and back into his old hostility, leading to further crime. The law requires that parole shall not be revoked without cause,[132]

[127] Cal. Penal Code § 3042.

[128] Department of Corrections, Biennial Report, 1957–58, p. 38.

[129] Cal. Penal Code § 3053, 3053.5.

[130] See text corresponding to notes 110–120 *supra*.

[131] 141 Cal. App. 2d 498, 297 P.2d 451 (1956). The case was cited and followed in People v Contreras, 154 Cal. App. 2d 321, 315 P.2d 916 (1957) and People v. Robarge, 151 Cal. App. 2d 660, 312 P.2d 70 (1957). The fact that the parolee is living with his wife does not protect him against search. People v. Triche, 148 Cal. 2d 199, 306 P.2d 616 (1957).

[132] Cal. Penal Code § 3063. See *in re* Etie, 27 Cal. 2d 753, 167 P.2d 203 (1946). In 15 Ops. Cal. Atty. Gen. 53 (1950), the Attorney General advised the Adult Authority that a man who had been charged with an offense and acquitted is entitled to restoration of parole unless there are other reasons for revocation; time spent in the county jail awaiting trial should be credited on either prison time or parole time.

but since the constitutional guaranties of fair trial do not apply, great care is needed. The power is given for the better protection of the public and is necessary for that purpose, but it should be used with utmost discretion.

The extent to which males are brought back to prison from parole is shown by the statistics. On December 31, 1959, there were 8,511 men on parole. During the year, 1,757 were returned—828 with new commitments and 929 without new commitments.[133] Those without new commitments would include those who have technically violated their parole, and undoubtedly some who had been given county jail sentences, and some who had committed a new, serious crime, but where no trial had been held. This is possible in exceptional cases when requested by the prosecuting agency.[134] Because of the burdens that parole places on a prisoner, his consent is necessary.[135] The court points out that the conditions may be more objectionable than imprisonment.

If a parolee has been returned to prison, the board has authority to redetermine the sentence and again fix a release date.[136] When a parolee is convicted of an offense in another jurisdiction and is imprisoned, the time he was on parole must be credited against the time imposed on the first sentence.[137] This is not the rule in New York.[138] The California rule is predicated on the principle that the parolee is still in custody. This apparently extends to supervision in another state under the Interstate Probation and Parole Compact.[139]

An interesting instance of the parole board's authority is that it may allow a prisoner to work on the outside and return to the prison at night.[140] This procedure was approved for the California Institution for Women.

The question of the power of the parole board in cases where the death penalty has been commuted to life imprisonment often arises in people's minds. The parole may be granted after seven calendar years, as is the case where the judge or jury has determined that the sentence shall be

[133] Director of Corrections, *Report to the Governor's Council*, pp. 27, 28 (Dec. 1959).

[134] Department of Corrections, Biennial Report, 1958–59, p. 40.

[135] *Ex parte* Peterson, 14 Cal. 2d 62, 92 P.2d 890 (1939).

[136] *In re* Etie, 27 Cal. 2d 753, 167 P.2d 203 (1946).

[137] *Ex parte* Casey, 160 Cal. 357, 116 Pac. 1104 (1911).

[138] See Note, 10 Hastings L. J. 105 (1958), where this rule is contrasted with that in New York.

[139] Uniform Act for Supervision of Out-of-State Parolees was held constitutional in *Ex parte* Tenner, 20 Cal. 2d 670, 128 P.2d 338 (1942).

[140] 13 Ops. Cal. Atty. Gen. 107 (1949).

for life.[141] However, the parole board does not have such power where the commutation is for life "without possibility of parole."[142] To change that would require another act of executive clemency.

An important power of the Adult Authority is to restore civil rights during parole. The power is limited in that it cannot restore the right to vote or to act as a trustee. But it may restore rights to the extent that it is in the best interest of society and the paroled person.[143] The significance of this is illustrated by the ruling that, if rights are not restored, a marriage contracted in California is void *ab initio*.

This is by no means a complete discussion of parole, but it is hoped the reader has gained the viewpoint that it is a developing procedure that holds increasing possibility of rehabilitating offenders against our penal laws.

PARDON

The constitutional authority for granting pardons is found in Article VII, Section 1 of the Constitution of California: "The Governor shall have the power to grant reprieves, pardons, and commutations of sentence after conviction, for all offenses except treason and cases of impeachment, upon such conditions, and with such restrictions and limitations, as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons . . . Neither the Governor nor the Legislature shall have power to grant pardons or commutation of sentence, in any case where the convict has been twice convicted of felony, unless upon the written recommendation of a majority of the judges of the Supreme Court."

The question of whether the Legislature also has the power to pardon has not been settled. It was argued in 1938 when a bill was introduced to pardon Tom Mooney, but the Governor pardoned Mooney while the bill was pending.[144]

The novel aspect of applications for pardons in California is the provision for a judicial certificate of rehabilitation[145] which constitutes an application for a full pardon by the Governor.[146] This procedure was

[141] *In re* Stewart, 24 Cal. 2d 544, 149 P. 2d 689 (1944); People v. Riser, 47 Cal. 2d 566, 305 P. 2d 1 (1956). People v. Reese, 47 Cal. 2d 112, 301 P.2d 582 (1956).

[142] *In re* Stewart, 24 Cal. 2d 544, 149 P.2d 689 (1944).

[143] CAL. PENAL CODE § 3054; 18 OPS. CAL. ATTY. GEN. 275 (1951).

[144] See the Westerfield-Rodin debate on this subject in 27 CALIF. L. REV. 371 (1938).

[145] CAL. PENAL CODE, §§ 4852.01–4852.2. For general discussions see The Work of the 1943 California Legislature, 17 So. CAL. L. REV. 1, 43 (1943); 37 CAL. JUR. 2d 129; Monk, *Certificate of Rehabilitation and the New Pardon Procedure*, 18 J. CALIF. STATE BAR 172 (1943); Yeager, *Executive Clemency*, 33 J. CALIF. STATE BAR 221, 226 (1958).

[146] CAL. PENAL CODE § 4852.16.

originated on the recommendation of Earl Warren. When he was District Attorney he observed the inequities in the granting of pardons and conceived the idea that a convict should have the right to earn a pardon by leading a law-abiding life for a sufficient length of time to demonstrate his reformation. Soon after he became Attorney General, he had the opportunity to present this idea in his paper before the First National Conference on Parole.[147] Asked Attorney General Warren: "But what about the post-parole period? Are they to go through life as ex-convicts or shall we offer them some incentive for the future—something that would be a continued inducement to lead a normal law-abiding life? I believe that every man who passes out of the gates of our penitentiaries should have the right to obtain a full and complete pardon . . . by working for and earning it." He outlined the details of filing notice of intention to work for a pardon, and of a court procedure establishing the fact of rehabilitation after a certain period, and he also specified that no legal or other fees should be paid. He wished the procedure to be such that "the poorest and most friendless man in the land could conform to it, and his ultimate pardon would be based entirely upon merit."[148]

When Mr. Warren became Governor in 1943, he recommended this procedure in his first inaugural address.[149] A bill introduced by Senator Charles H. Duel, one of California's humanitarians, embodying Mr. Warren's ideas, was enacted.[150] The measure was timely because of the war, and it was passed as an emergency measure. The justification for passing it as an emergency stated, "There are many able-bodied men who, by reason of previous convictions, are not accepted for induction into the armed forces of the Nation or for employment in essential war industries . . . The provisions of this act will enable men who have suffered previous felony convictions and who have rehabilitated themselves by exemplary conduct to establish the fact of such rehabilitation by judicial action and earn restoration of rights of citizenship and thus become eligible for service with the armed forces and for employment in essential war industries."[151] The time schedule for filing the notice of intention and the petition for the certificate of rehabilitation was stepped up for men discharged from prison prior to May 13, 1943.[152]

These provisions of law have been amended in details but not in their essential procedure. This discussion will be confined to the law as it is today.[153]

[147] See note 90 *supra*.

[148] *Ibid.*

[149] Inaugural Address of Earl Warren, Gov. of Calif., Jan. 4, 1943, p. 9 (State Printer).

[150] CAL. STAT. ch. 400, p. 1922 (1943).

[151] CAL. STAT. ch. 400, p. 1926 (1943).

[152] CAL. PENAL CODE § 4852.01, 4852.03.

[153] See *supra* note 145.

Persons who may use this procedure are limited to those who have been convicted of a felony and who have been released from a state prison or other state penal institution or agency in California and who have not been later imprisoned. It is specifically stated that persons convicted of misdemeanors, persons who have served time in county jails only, persons serving a mandatory life parole, persons committed under death sentence or persons in the military service may not use this method.[154] And what of the persons who may not use this means of gaining a pardon? He may apply under the standard procedures for obtaining a pardon, as this is "an additional, but not an exclusive, procedure for the restoration of rights and application for pardon."[155]

The first step is the filing with the clerk of the county where the person resides of a notice of intention to apply for a certificate of rehabilitation and pardon. This may be done after his discharge from custody or release on parole.[156] He must then deliver to the chief of police or the sheriff, depending on where he resides, a certified copy of his notice of intention, with identifying information, and agree to any "reasonable requirements of such officer."[157] It was Mr. Warren's belief that this frank approach would win the help of law enforcement officers.

The period of rehabilitation was originally fixed by the Judicial Council of California, but in 1955 the periods were written into section 4852.03 of the Penal Code. The period begins with filing the notice of intention and runs for three years plus thirty days for each year of the term prescribed by law as the maximum penalty of imprisonment for the crime of which the petitioner was convicted. Crimes with life imprisonment as the maximum are deemed to carry a penalty of fifty years. The law also provides a method of computing the time if the petitioner had been convicted of multiple crimes.[158]

The second step is a long one—a way of life for the requisite period. During the period of rehabilitation the person shall not only live a law-abiding life but he shall also conduct himself "with sobriety and industry" and "shall exhibit a good moral character."[159]

The third step is the filing of the petition for the certificate of rehabili-

[154] CAL. PENAL CODE § 4852.01. A person convicted of a felony by a jury but whose sentence was thereafter reduced to a misdemeanor by sentence to county jail is not entitled to use this procedure, 15 OPS. CAL. ATTY. GEN. 38 (1953). For person convicted of felony and placed on probation, see dictum in Truchon v. Toomey, 116 Cal. App. 736, 254 P.2d 638 (1953).

[155] CAL. PENAL CODE § 4852.19.

[156] CAL. PENAL CODE § 4852.01.

[157] CAL. PENAL CODE § 4852.02.

[158] CAL. PENAL CODE § 4852.03.

[159] CAL. PENAL CODE § 4852.05.

tation, and this is without fee.[160] It is filed in the county of residence and must show that the petitioner has lived in the state for the preceding three years, that the parole period has terminated, and that he has faithfully complied with the requirements of the act.[161] Thirty days written notice must be given to designated persons.[162]

In initiating the proceedings, the petitioner is entitled to receive counsel and assistance from all rehabilitative agencies.[163] The petitioner may be represented by counsel of his own choice, by the public defender, by the adult probation officer where there is no public defender, or by court-assigned counsel.[164] However, no fee may be solicited or accepted, whether as an attorney or otherwise; to do so is a misdemeanor.[165] This is in accord with the philosophy of the act that it is in aid of the poor and friendless and that attorneys giving this help do so as a public service. Some members of the bar have objected to this provision,[166] pointing out that there is no such limitation for services in connection with the "old type" pardon.[167]

The records and testimony of the trial, the prison record, and the records of all correctional agencies shall be made available to the court without cost to petitioner.[168] The court may require testimony and shall require an investigation by the district attorney, the criminal record from the State Bureau of Criminal Identification and Investigation, and reports from the appropriate peace officers.[169] If a violation of law is proved, the court may deny the petition and fix a new period of rehabilitation.[170] If the court finds that rehabilitation has been proved, an order known as the certificate of rehabilitation is made which recommends to the Governor that a full pardon be granted.[171] Certified copies of the certificate are sent at once to the Governor, the Adult Authority, the Bureau of Criminal Identification and Investigation, and, in the case of a person twice convicted of a felony, to the supreme court.[172]

The certificate, in addition to being an application to the Governor for a pardon, has certain other consequences. The State Bureau of Criminal Identification and Investigation is required to immediately record it (and the pardon if later granted) on the person's criminal record and to report

[160] CAL. PENAL CODE § 4852.06, 4852.09.

[161] CAL. PENAL CODE § 4852.06.

[162] CAL. PENAL CODE § 4852.07.

[163] CAL. PENAL CODE § 4852.04.

[164] CAL. PENAL CODE § 4852.08.

[165] CAL. PENAL CODE § 4852.2.

[166] *The Work of the 1943 Legislature*, 17 So. CAL. L. REV. 1, 44 (1943).

[167] CAL. PENAL CODE § 4807.2, 4807.3.

[168] CAL. PENAL CODE § 4852.1.

[169] CAL. PENAL CODE § 4852.12.

[170] CAL. PENAL CODE § 4852.11.

[171] CAL. PENAL CODE § 4852.13.

[172] CAL. PENAL CODE § 4852.14.

it to the Federal Bureau of Investigation. When the record is later reported by the State Bureau, it shall also report the certificate or pardon, or both.[173]

The Governor, on receipt of the certificate, may without further investigation grant a full pardon. This is subject, of course, to the constitutional limitation that in the case of a person twice convicted of a felony, there must be the recommendation of a majority of the supreme court.[174] Ordinarily the Governor refers the matter to the Adult Authority, which succeeded to the functions of the Advisory Pardon Board,[175] for investigation and report.[176]

The consequences of a pardon based on a certificate of rehabilitation are, in general, the same as of any other pardon, including the restoration of all civil and political rights.[177] However a pardon based on the certificate has additional favorable consequences. The pardoned man has the same right to the possession of firearms as other citizens, unless he had been convicted of a felony involving the use of a dangerous weapon.[178] Another important advantage is that the holder of such a pardon may not be impeached as a witness on the ground of conviction of a felony. It is written into the law on impeachment of witnesses that a person may be impeached on the ground of conviction of a felony "unless he has previously received a full and unconditional pardon, based upon a certificate of rehabilitation."[179] Another section on incriminating and degrading questions contains this language: "But a witness must answer as to the fact of his previous conviction for a felony unless he has previously received a full and unconditional pardon, based upon a certificate of rehabilitation."[180] Otherwise the effect of a full pardon on impeachment on the ground of conviction of a felony is in accord with the general rule.[181] The pardon is admissible in evidence and the question of credibility is for the jury.[182] If an impeaching question should be asked of a person pardoned on the basis of a certificate of rehabilitation, it would appear that the impeaching question should be objected to and stricken from the record.

There are limitations on the effect of this type of pardon specifically written into the law. It does not require the reinstatement of the "right

[173] Cal. Penal Code § 4852.17.
[174] Cal. Penal Code § 4852.16.
[175] Cal. Penal Code § 5078, 4810.
[176] State Department of Corrections Biennial Report, 1957–58, p. 38.
[177] Cal. Penal Code § 4852.17, 4853.
[178] Cal. Penal Code § 4852.17; 28 Ops. Atty. Gen. 178 (1956).
[179] Cal. Code of Civil Proc. § 2051.
[180] Cal. Code of Civil Proc. § 2065.
[181] Annot., 38 A.L.R. 2d 893 (1950).
[182] People v. Hardwick, 204 Cal. 581, 269 Pac. 497 (1928); People v. Rader, 24 Cal. App. 477, 141 Pac. 952 (1914).

or privilege to practice or carry on any profession or occupation the practice or conduct of which requires the possession or obtaining of a license, permit, or certificate."[183] This states the rule which applies to the "old type" pardon.[184] The character of the limitation is illustrated in *Feinstein* v. *State Bar*.[185] Feinstein was imprisoned for soliciting a client to commit grand theft. In 1950 he was granted a full pardon based on a certificate of rehabilitation. The court ruled that the high degree of proof of highest moral character required for reinstatement as a member of the bar is not met by this pardon. "At most it is but evidence to be considered together with other evidence of his present qualifications to practice law."

If a criminal charge is later filed, the pardoned offense is probably revived and may be pleaded and proved as a prior conviction.[186] The Attorney General advises that this is the case, applying the rule of the more recent cases on pardons granted without certificate of rehabilitation.[187] This is in accord with the rule on pardons in most of the states.[188]

The certificate of rehabilitation is used to an important extent as the basis for requesting a pardon. The Governor's clemency secretary, writing in 1958, stated that frequently more than half of the yearly acts of clemency have been based on this form of application.[189] To get a perspective on the use of this procedure a random check was made of the Governor's annual reports to the Legislature on acts of clemency. To illustrate, in 1950 thirty-eight pardons were granted based on the certificate whereas only six were granted without.[190] Or take 1954, when thirty-three pardons were based on the certificate and seventeen were granted in accordance with pre-existing procedure.[191] In general the old procedure is used where the case does not fall within the statutory authorization to use the certificate of rehabilitation.

Since the certificate of rehabilitation does not supersede existing methods of securing a pardon, it is important to mention the law relating to them, which also includes reprieve and commutation of sentence.[192]

[183] Cal. Penal Code § 4952.15.
[184] Cal. Penal Code § 4853.
[185] 39 Cal. 2d 541, 248 P.2d 3 (1952).
[186] On prior convictions, see Cal. Penal Code § 644, 666, 668, and 669.
[187] 28 Ops. Cal. Atty. Gen. 178 (1956). [The subsequent modification of this opinion, *supra* note 64, did not affect the question of prior offenses.] The Attorney General relied on People v. Dutton, 9 Cal.2d 508, 71 P.2d 218 (1937), and People v. Biggs, 9 Cal.2d 508, 71 P.2d 214 (1937). The Attorney General notes that these cases reverse an earlier rule in California.
[188] Annot., 31 A.L.R. 2d 1186 (1951).
[189] Yager, *op. cit. supra* note 145.
[190] Daily Journal of the California Assembly, Jan. 23, 1951.
[191] Daily Journal of the California Assembly, Jan. 3, 1955.
[192] Cal. Penal Code § 4800–4814, 4850–4852, 4853.

The penal code sections establish the procedural steps of notice of intention to apply for a pardon,[193] notice by the applicant to the District Attorney,[194] referral to the Adult Authority by the Governor,[195] method of referral to the supreme court if the defendant has been twice convicted of a felony,[196] reports of compensation paid,[197] and consequences of a pardon.[198] The role of the Adult Authority is an important one. It not only investigates applications on request of the Governor,[199] but it may report to him the names of persons who, in the judgment of the Authority, should have a commutation of sentence or a pardon.[200] It and its secretary have the power to administer oaths and to examine witnesses in the course of its investigations.[201] In the case of applicants twice convicted of a felony, no application shall be forwarded to the supreme court unless it has the favorable recommendation of the Authority, but there is a saving clause that the Governor in exceptional cases may personally refer a case where the Authority has failed to make a recommendation.[202] Some of the consequences of the "old type" pardon have already been mentioned in discussing pardons based on a certificate of rehabilitation. The language of the Code is quoted in the footnote.[203]

This survey of probation, parole, and pardon in California indicates that the offender, even the very serious offender, has a chance to win back his rights of citizenship. It is not an easy chance, and the results are

[193] CAL. PENAL CODE § 4805, 4806.
[194] CAL. PENAL CODE § 4804.
[195] CAL. PENAL CODE § 4801.
[196] CAL. PENAL CODE § 4851.
[197] CAL. PENAL CODE § 4807.2, 4807.3. These are the sections to which attorneys allude when complaining that they may not charge a fee in certificate of rehabilitation cases.
[198] CAL. PENAL CODE § 4853.
[199] CAL. PENAL CODE § 4812, 4850.
[200] CAL. PENAL CODE § 4801.
[201] CAL. PENAL CODE § 4812.
[202] CAL. PENAL CODE § 4850.
[203] CAL. PENAL CODE § 4854. "In all cases in which a full pardon has been granted by the Governor or will hereafter be granted by said Governor to a person convicted of an offense to which said pardon applies it shall operate to restore to such convicted person, all the rights, privileges and franchises of which he has been deprived in consequence of said conviction . . . provided that nothing herein contained shall abridge or impair the power or authority conferred by law on any board or tribunal to revoke or suspend any such right, privilege or franchise for any act or omission not involved in said conviction; provided further, that nothing in this article shall affect any of the provisions of the Medical Practice Act or the power or authority conferred by law on the Board of Medical Examiners therein, or the power or authority conferred by law upon any board that issues a certificate which permits any person or persons to apply his or their art or profession on the person of another."

in some ways an incomplete or conditional restoration to his status before conviction. Although help is available from correctional workers, the hazards that beset the path of the convicted person are many. Hope as a rehabilitative aid should be kept alive. This is attested by the lives of useful citizens who, by right living, have overcome the handicap of conviction. The individual and the social gain are incalculable.

HELEN R. MACGREGOR[23]

"Has Earl Warren changed?" This is a question often asked and asked with the implication that he has changed from a vigorous prosecutor to a humanitarian. He has of course grown; but basically he has not changed. I recall a conversation between him and a priest. He said, "Father I envy you. You can spend your whole life helping people, but I have to prosecute men before they can be helped." Prosecution was then his role and responsibility, a role which he carried out with such ability and fearlessness that state and national recognition came to him. He was determined to do all in his power to ensure that the individual would be safe in his person and his home.

Sixteen years have passed since I ceased to be a member of Earl Warren's staff. My awareness of his stature has deepened with the passage of time and I have often speculated on what qualities made him a great, an accepted leader in public affairs. The invitation to have a part in the *California Law Review* tribute to him prompts me to offer a few of my thoughts.

That he was a leader of the people of California was proved again and again by his election three times as District Attorney, once as Attorney General, and three times as Governor. Twice he won the nomination of both the Republican and Democratic parties—in 1938 for Attorney General, when he also won the nomination of the Progressive Party, and in 1946 for Governor. (In those years a candidate could be nominated by more than one party provided he received the nomination of his own party.)

These political victories were achieved without an "image maker" on his team. The image was the man himself. Somehow the voters sensed the ability and integrity of the man. He talked to the people at meetings, on radio, and later on television. As Governor he had an excellent press secretary, Verne Scoggins, but there was no organization "selling" him. The word was passed around that here was a leader who could be trusted, and this confidence spread to new voters as

23. Secretary to the District Attorney and Deputy District Attorney of Alameda County, 1935-1939; secretary to the Attorney General and Deputy Attorney General of California, 1939-1943; private secretary to the Governor, 1943-1953; member of the California Youth Authority, 1953-1957 (appointed by Governor Warren).

California's population grew from 6,907,000 in 1940 to 10,586,000 in 1950.

He cared about people and their children and what happened to them. He was especially concerned with the circumstances that could cause great hardship or even wreck a man's life. As District Attorney he saw the disastrous consequences of usurious interest and the piling up of interest as old loans were refinanced; these practices dealt a heavy blow to the man with limited means and no bargaining power. He provided leadership in the fight before the Legislature to establish maximum rates of interest on small loans. Similarly, his awareness of the disastrous consequences of heavy hospital and doctors' bills led him to propose in 1944 a system of compulsory health insurance.

During his years as District Attorney and Attorney General he was incensed by the granting of pardons to ex-convicts with powerful friends or money to hire skilled attorneys and the contrasting helplessness of the poor and friendless. Early in his first year as Attorney General he presented a paper at the first National Conference on Parole[24] in which he presented his idea of a pardon based on a certificate of rehabilitation. Asked Attorney General Warren, "But what of the post-parole period? Are they to go through life as ex-convicts or shall we offer them some incentive for the future—something that would be a continued inducement to lead a law-abiding life? I believe that every man who passes out of the gates of our penitentiaries should have the right to obtain a full and complete pardon . . . by working for and earning it." In his first message to the Legislature in 1943 he recommended the enactment of such a law, and it was passed.[25]

Earl Warren was determined that the poorest and most friendless person should have the same rights and protection as the richest or most powerful. As District Attorney he had an ironclad rule that the influence of a defendant would not affect the prosecution. During the 1938 campaign for Attorney General, a politican from another county came to the office to intercede for a man charged with embezzlement. Mr. Warren was away and it fell my lot to interview the man. When I said the case could not be dismissed, the reply was: "Mr. *X* has a lot of influence politically." He was incredulous when I said that could make no difference.

Earl Warren cared about people, not only as fellow citizens but also with a warmth of friendship for individuals. He remembered their names and their families. I have heard tales of his going to meetings in

24. PROCEEDINGS OF THE FIRST NAT'L PAROLE CONFERENCE 70 (1938).

25. Inaugural Address of Earl Warren, Governor of California 9, Jan. 4, 1943. Ch. 400, [1943] Cal. Stats. 1922, *adding* CAL. PENAL CODE §§ 4852.01-.21 (West 1956).

remote sections of the State and calling each person by name!

He always listened attentively to both sides of an issue. If someone attempted to pressure him to do something he deemed questionable, I have seen him stand up and say, "It's not right. It's not right. I'm not going to do it." I am reminded of a hearing on the question of whether, as Governor, he should sign a bill. After he announced his decision those who lost came out of the office grumbling. One man stopped and said to one of our secretaries, "But there is a real man." Of course, he made enemies, but his fairness and straight forwardness kept them to a minimum.

What did it mean to be a member of his staff? Hard work and long hours that matched his own. This was true in each of the offices where I served, District Attorney, Attorney General, and Governor. Very few of us left. Why did we stay? Perhaps each would give a different answer, but I believe it was because in each office he gathered a group of men and women who believed in his goal of giving good government and we realized that we could make the contribution of our own lives effective under his leadership. This devotion was characteristic not only of the professional staff and department heads but also of the stenographic and clerical staff.

He expected the best work and the most responsible recommendations from each of us, but he seldom gave praise. The big exception was the Christmas party in the Governor's Office. Then he thanked us for the year's work and said we had enabled him to do his work as Governor. When he left to become Chief Justice, his tribute to all the state employees was touching.

What qualities made Earl Warren a great Governor? Historians will try to identify and discuss them. I would like to add a few to those already described.

His careful preparation for action was equally characteristic of his work as District Attorney and Attorney General. For example, he knew that the penal system of California had to be reorganized. He had accumulated evidence of abuses over the years and in November of 1943, his first year in office, he appointed the Governor's Investigating Committee on Penal Affairs under the chairmanship of the late Burdette Daniels, his legislative secretary. The Committee outlined the inherent defects of the existing structure and presented a summary of abuses and a plan of reorganization.[26] The Legislature met in special session, on the call of the Governor, to consider the report on January 27, 1944, and within four days the recommended measures were

26. REPORT OF GOVERNOR'S INVESTIGATING COMMITTEE ON PENAL AFFAIRS, in J. CAL. SENATE, 3D EXTRA SESS. 39 (1944).

passed and the foundation of California's correctional system was adopted.[27]

His action on penal reform illustrates another important quality—his sense of timing. Public indignation was high because a dangerous convict, imprisoned at Folsom, had been placed on a farm and on weekends was visiting his girl friend in San Francisco. The Governor immediately appointed the investigating committee; public attention and support were assured.

Earl Warren has the ability to absorb complex and unfamiliar material and remember it. His memory is phenomenal. Engineers in the Department of Public Works often expressed amazement at his grasp of engineering data and his ability to cross-examine them.

A great strength of the Governor lay in his appointments to executive and judicial positions. He always sought the person best qualified, without regard to political considerations or the appointee's previous support of Earl Warren. Many of his appointees commented, "The Governor never asked me what my politics were." If he didn't know the person who was best qualified to head a department, he appointed a committee of experts in the particular field to find the person, or, as in the case of the first Director of Corrections, he asked the State Personnel Board to give a nationwide competitive examination. To those chosen he gave his confidence and his friendship. There are great stories to be told about the development of state departments under these men; but they are beyond the scope of this piece.

My closing comment is that each of the offices he headed was a "happy ship;" a taut ship, but a happy one. It was marked by loyalty to Earl Warren and by loyalty of the staff to one another. Remarkably, each office became an office of friends, and the friendships have lasted to this day.

ARTHUR H. SHERRY[28]

In the mid-thirties, the office of the District Attorney of Alameda County was on the second floor of the old two-story court house at Fifth and Broadway in Oakland. The building reflected the traditional design of its day for such structures, but long years of service had brought it to such a precarious state that it could no longer support its principal ornament, a great, imposing figure of Justice, complete with scales and blindfold, which had been removed from the rooftop to a

27. Ch. 2, § 1, [1943 3d Extra Sess.] Cal. Stats. 13, *adding* CAL. PENAL CODE §§ 5000 *et seq.* (West 1956).

28. Deputy District Attorney of Alameda County, 1933-1939; Assistant Counsel to the California Study Commission on Organized Crime, 1950-1957 (appointed by Governor Warren). Professor of Law, University of California, Berkeley.

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Amelia R. Fry

Graduated from the University of Oklahoma in 1947 with a B.A. in psychology, wrote for campus magazine; Master of Arts in educational psychology from the University of Illinois in 1952, with heavy minors in English for both degrees.

Taught freshman English at the University of Illinois 1947-48, and Hiram College (Ohio) 1954-55. Also taught English as a foreign language in Chicago 1950-53.

Writes feature articles for various newspapers, was reporter for a suburban daily 1966-67. Writes professional articles for journals and historical magazines.

Joined the staff of Regional Oral History Office in February, 1959.

Conducted interview series on University history, woman suffrage, the history of conservation and forestry, and public administration and politics.

Director, Earl Warren Oral History Project

Secretary, Oral History Association; oral history editor, Journal of Library History, Philosophy, and Comparative Librarianship.

June Cunningham Hogan

Studied at Mills College, B.A. from Northwestern University, 1944.

Assistant editor, Ladies Home Journal, Philadelphia, 1944-46. Instructor in journalism, Connecticut College of Commerce, New Haven; staff writer for Connecticut Circle magazine, 1946-48.

Reporter for San Francisco Chronicle, 1948-55, specializing in women's news with emphasis on women's organizations such as League of Women Voters, Pro America, Business and Professional Women's Club. During this period, met and interviewed members of the Warren clan, from Honey Bear to the Chief Justice.

Supervised research, planning and publications, primarily in local government and education, for League of Women Voters and other citizen groups, 1955- .

Joined Regional Oral History Office as interviewer-editor in 1969.

Gabrielle Morris

B.A. in economics, Connecticut College, New London, independent study in public relations, creative writing.

Historian, U.S. Air Force in England, covering Berlin air lift, postwar military agreements, personnel studies, 1951-52.

Chief of radio, TV, public relations, major New England department store; copy chief, network radio and TV station in Hartford; free-lance theatrical publicity and historical articles, 1953-55.

Research, interviewing, editing, community planning in child guidance, mental health, school planning, civic unrest, for University of California School of Criminology, Berkeley Unified School District, Bay Area Social Planning Council, League of Women Voters, 1956-70.

Regional Oral History Office, interviewer-editor, 1970- .

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